

**DOCUMENTS and CORRESPONDENCE
on NEW GUINEA'S BOUNDARIES**

compiled by
PAUL W. van der VEUR



Documents and Correspondence on New Guinea's Boundaries

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This is a collection of various documents, correspondence and memoranda dealing generally with the boundaries up to 1962. They have been reproduced as faithfully as is possible in this format from original material in Canberra, London and The Hague. Some of the translations are official; others have been made for this volume.

Documents and Correspondence on New Guinea's Boundaries is a complementary volume to Dr van der Veur's main study *Search for New Guinea's Boundaries* which is described on the back flap of this book.

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Search for New Guinea's Boundaries From Torres Strait to the Pacific

Paul W. van der Veur

This is the first study of the origin and evolution of the borders that Western powers have imposed upon New Guinea. Making extensive use of diplomatic correspondence, official documents, and Australian and Dutch patrol reports from the end of the nineteenth century up to the 1960s, Dr van der Veur gives some insight into what happens when diplomats and officials of colonial administrations are faced with periodic crises over invisible boundaries. The text is supported by some excellent maps and the book includes a frontispiece and four pages of plates.

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DOCUMENTS AND CORRESPONDENCE
ON NEW GUINEA'S BOUNDARIES

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DOCUMENTS and CORRESPONDENCE
on NEW GUINEA'S BOUNDARIES

compiled by

PAUL W. van der VEUR

*Department of Pacific History
Australian National University*

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Preface

This series of documents is a companion volume to Search for New Guinea's Boundaries: From Torres Strait to the Pacific (Australian National University Press, 1966). It brings together not only scattered, previously published documents, but also some of the correspondence surrounding them and reports and memoranda dealing with the boundaries in general. The latter include material up to 1962.

The documents have been arranged chronologically within sections. Material in sections A, B, and C corresponds respectively with matters dealt with in Chapters 2 (New Guinea Annexations), 3 (Papua Irredenta), and 4 (The Former Anglo-German Boundary), that in sections D, E, and F with those in Chapter 5 (The Irian Boundary), while that in section G is touched upon in the concluding chapter.

The selection of published documents was simple: all were included. Choice of unpublished material available in the archives was an individual one. Documents in Dutch, French, and German have been translated. Personal comments and queries have been entered in footnotes to the English translations which in all cases precede the original text. Cross references to Search for New Guinea's Boundaries, using the abbreviation S.N.G.B., are made for the convenience of the reader.

Most of the older documents are reproduced from material in the Commonwealth Archives Office in Canberra and the Archives of the Netherlands Ministry of Foreign Affairs in The Hague. I wish to express my appreciation to these institutions for the opportunity to consult and reproduce these documents. For the more recent material I must first of all thank Dr J. Woltring and Miss L.J. Ruys of the Archives of the Netherlands Ministry of Foreign Affairs who responded promptly to my continual requests and inquiries. At times, in fact, it appeared that the greater the distance the speedier the co-operation. In Australia, my debt is to the Departments of External Affairs and Territories. In particular, Dr J. Cumpston, Historian of the External Affairs Department, provided rays of light during moments of despair.

Assistance in the translation of the documents was received from Dr C. Wouters, Miss O. van Rijswijk, and the Translation Service of the Australian National University. Some documents were published with official translations, and these are indicated in the footnotes. The typing of the documents from manuscript profited greatly from the meticulous

care of Miss I.M. Goodin and other members of the secretarial staff of the Department of Pacific History. Naturally, I alone am responsible for the translations and the faithful reproduction of the documents.

Reading these documents may reveal different things to different readers. What impressed me in collecting them was the slow progress that was made - the great amount of time, energy, and paper spent for the result achieved. It would be a forlorn hope to expect much improvement in this regard. At the same time, reading this selection of documents shows convincingly the need to press forward with boundary matters despite the absence of any urgency at the time and not to regard present situations as necessarily novel developments. Often they are merely a return to well-trodden paths along which present-day governments may hopefully advance further than their predecessors.

Paul W. van der Veur

The Australian National University
February 1966

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A New Guinea Annexations, 1828-1885

A1 The Van Delden Proclamation of 1828¹

PROCLAMATION

Since it has been ordered by H. M. the King of the Netherlands, Prince of Orange-Nassau, Grand Duke of Luxembourg, etc., etc., etc., by Ministerial instruction to take possession of the coast of New Guinea, from the 141st degree of east longitude of Greenwich on the south coast, and from there west- and northward up to the Cape of Good Hope, situated on the north coast.

So it is, that I, Arnoldus Johannes van Delden, as authorized by the Governor of the Moluccas under resolution of His Excellency the Lieutenant-Governor-General of the Netherlands Indies, in Council dated 31 December 1827, Litt. U, here in public and in the presence of the Commanders of H. M.'s corvette Triton, the brig Siewa and the schooner Iris, and the Officers of the afore-mentioned bottoms, the Commander and Officers of the military Detachment, the Officials, composing the Commission of Natural Scientific research, along with the crew and ratings of H. M.'s vessels and the afore-mentioned Detachment, declare, in the name and on behalf of His Majesty the King of the Netherlands, Prince of Orange-Nassau, Grand Duke of Luxembourg, etc., etc., etc., that I herewith take solemn possession of that part of New Guinea and the territories situated therein, beginning from the 141st degree of longitude east of Greenwich on the south coast, and from there west-, north-west- and northward up to the Cape of Good Hope, situated on the north coast, without prejudice however to the rights which the Sultan of Tidore may have on the districts of Mansary, Karongdefer, Ambarssura and Amberpon.

In order that this act of taking possession will be apparent at all times, an official report of the ceremony will be made by me to be available wheresoever such may be necessary.

Given this twenty-fourth day of August [in the year of our Lord] one thousand eight hundred and twenty-eight.

The Commissioner for the taking possession
of the west coast of New Guinea,

van DELDEN.

¹ Salomon Müller, Reizen en Onderzoekingen in den Indischen Archipel, gedaan op last der Nederlandsche Indische Regering, tusschen de Jaren 1828 en 1836. Vol. I (Amsterdam, 1857), p. 109.

PROCLAMATIE

Alzoo door Z. M. den Koning der Nederlanden, Prins van Oranje-Nassau, Groot-Hertog van Luxemburg enzv. enzv. enzv., bij Ministeriële aanschrijving is bevolen, bezit te nemen van de kust van Nieuw-Guinea, van den 141^{sten} graad oostelijke lengte van Greenwich op de zuidkust, en van daar west- en noord-waarts op tot de Kaap de Goede Hoop, op de noordkust gelegen.

Zoo is het, dat ik, Arnoldus Johannes van Delden, als daartoe door den Gouverneur der Moluksche eilanden, krachtens resolutie van Zijne Excellentie den Luitenant-Gouverneur-Generaal over Nederlandsch Indië, in Rade d. d. 31 December 1827, Litt. U, geautoriseerd, hier in het openbaar en in het bijwezen van de Commandanten van Zr. Ms. korvet Triton, de brik Siewa en de schoener Iris, en de Heeren Officieren van gemelde bodems, den Commandant en Officieren van het Detachement militairen, de Heeren Ambtenaren, uitmakende de Commissie van Natuurkundig onderzoek, benevens de equipagiën en manschappen van Zr. Ms. vaartuigen en het Detachement voornoemd, verklaar, in naam en vanwege Zijne Majesteit den Koning der Nederlanden, Prins van Oranje-Nassau, Groot-Hertog van Luxemburg enzv. enzv. enzv., bij deze plegtig bezit te nemen van dat gedeelte van Nieuw-Guinea en de landen daar binnen liggende, aanvang nemende van den 141^{sten} graad lengte oostelijk van Greenwich op de zuidkust, en van daar west-, noord-west- en noordwaarts op tot de Kaap de Goede Hoop, op de noordkust gelegen, behoudens evenwel de regten, welke de Sultan van Tidore op de distrikten van Mansary, Karongdefer, Ambarssura en Amberpon zoude mogen hebben.

En opdat van deze bezitneming te allen tijde zal kunnen blijken, zal door mij van deze plegtigheid worden opgemaakt Process-Verbaal, om te dienen daar en waar zulks mogt behooren.

Aldus gedaan op heden den vier-en-twintigsten Augustus achttien-honderd-acht-en-twintig.

De Commissaris tot het in bezit nemen van de
westkust van Nieuw-Guinea,

van DELDEN.

A2 Description of Tidore's territories in New Guinea, 1865¹

TERNATE

The part of the Administration of the Moluccas, which this Residency forms, is composed of the territory of the Sultans of Ternate, Tidore and Batjan.

...

The territory of Tidore consists of the island of Tidore and four small surrounding islands; the two eastern peninsulas of Halmaheira (Gilolo) with surrounding islands; the part of New Guinea from Cape Seprop Maneh (Cape Bonpland) and the north coast, along that coast, further west, south and south-easterly until 141° east of Greenwich, included among this the regions of Wonin di bawa and Namatotte and the surrounding islands.

...

¹ Regerings-Almanak voor Nederlandsch-Indië, 1865 (Batavia, 1865), pp.267-8. The reference to Wonin di bawa and Namatotte is unnecessary and confusing. It is a carry-over of the secret decree of 1848. See Search for New Guinea's Boundaries [S.N.G.B.], p.12.

TERNATE.

Het gedeelte van het gouvernement der Moluksche eilanden, dat deze residentie uitmaakt, wordt gevormd door het gebied der sultans van Ternate, Tidore en Batjan.

...

Het gebied van Tidore bestaat uit het eiland Tidore en 4 kleine omliggende eilanden; de twee oostelijke schiereilanden van Halmaheira (Gilolo) met de omliggende eilanden; het gedeelte van Nieuw-Guinea van den hoek Seprop Maneh (hoek Bonpland) op de noordkust, langs die kust, verder west, zuid en zuidoostelijk tot 141° lengte beoosten Greenwich, daaronder begrepen de landschappen Wonin di bawa en Namatotte en de omliggende eilanden.

...

A3 Description of Tidore's territories in New Guinea, 1875¹

TERNATE

The Residency of Ternate, separated from the Administration of the Moluccas by Governmental Decree of 6 December 1866, No.2 (Staatsblad 1866, No.139), contains a part of Celebes, the Soela islands, the northern part of the Moluccas, the Waigeoe-Misole archipelago, a part of New Guinea, and some separate island groups (further defined, see below, under each of the sub-parts), and consists of:

- A. Territory under Direct Administration;
- B. Territory of the realm of Ternate;
- C. Do. do. Tidore;
- D. Do. do. Batjan.

...

C. The territory of the realm of Tidore consists of:

1. The island of Tidore with the adjacent islands of Maitara, Maree and Filonga.
2. The two eastern [peninsulas] and the northern part of the southern peninsula of Halmaheira with adjacent islands bounded in the north and south by the boundaries of Ternate.
3. The Waigeoe-Misool archipelago among which principally the [following] islands: Salawati c.a.,² Batanta c.a., Waigeoe c.a., Gebee c.a., Poppa c.a., Misole c.a., the Boh- and Pisang-island groups west of Poppa and remaining islands north of 2° 30' South Latitude in the Halmaheira Sea or Gilolo Passage situated between Halmaheira and New Guinea.
4. The north-western part of New Guinea bounded in the east by a straight line running from Cape Bonpland (on the east side of Humboldt Bay), 140° 47' East Longitude on the north coast to 140° East Longitude on the south coast, with the adjacent islands, among which: Prins-Frederik-Hendrik island; Adi island c.a.

¹ Regerings-Almanak voor Nederlandsch-Indië, 1875 (Batavia, 1875), pp.226-7. The obvious error of '140° East Longitude on the south coast' was corrected (141°) in the Regerings-Almanak voor Nederlandsch-Indië, 1877, p.237.

² Latin abbreviation, cum annexis, meaning 'with adjacent islands'.

TERNATE.

De residentie Ternate bij Gouvernements besluit dd. 6 dec. 1866 no.2 (St. 1866 no.139) van het gouvernement der Moluksche eilanden gescheiden omvat: een gedeelte van Celebes, de Soela-eilanden, het noordergedeelte der Molukken, den Waigeo-Misole-archipel, een gedeelte van Nieuw-Guinea, en eenige afzonderlijke eilanden-groepen, bij elk der onderdeelen (zie lager) nader omschreven, en bestaat uit:

- A. Gouvernements grondgebied;
- B. Gebied van het rijk van Ternate;
- C. Idem idem Tidore;
- D. Idem idem Batjan.

...

C. Het gebied van het rijk van Tidore bestaat uit:

- 1^o. het eiland Tidore met de aanliggende eilanden Maitara, Maree en Filonga.
- 2^o. de twee oostelijke en het noordelijke gedeelte van het zuidelijk schiereiland van Halmaheira met aanliggende eilanden noordelijk en zuidelijk begrensd door de Ternataansche grenzen.
- 3^o. den Waigeo-Misool archipel waaronder voornamelijk de eilanden: Salawati c.a., Batanta c.a., Waigeo c.a., Gebee c.a., Poppa c.a., Misole c.a., de Boh- en Pisang-eilandengroepen bewesten Poppa en overige eilanden benoorden 2^o 30' Z.B. in de Halmaheira zee of Gilolo-passage tusschen Halmaheira en Nieuw-Guinea gelegen.
- 4^o. het noordwestelijk gedeelte van Nieuw-Guinea oostwaarts begrensd door een rechte lijn loopende van af kaap Bonpland, oostzijde der Humboldtbaai, 140^o 47' O.L. op de noordkust tot op 140^o O.L. op de zuidkust, met de aanliggende eilanden, waaronder: Prins-Frederik-Hendrik-eiland; Adi-eiland c.a.

5. The islands situated in the Geelvink Bay and further to the north of the New Guinea coast, among which the island groups: Jobi c.a., Willem Schouten c.a., Mafoor c.a., Amberbon-Mioswar, Run, Mapia St Davids or Freewill c.a., St Stephens c.a.
- ...

- 5^o. de eilanden in de Geelvinkbaai en verder benoorden de kust van Nieuw-Guinea gelegen, waaronder de eilanden-groepen: Jobi c.a., Willem Schouten c.a., Mafoor c.a., Amberpon-Mioswar, Run, Mapia St. Davids of Freewill c.a., St. Stephens c.a.

...

A4 The Erskine Proclamation of 1884¹

PROCLAMATION

Proclamation on behalf of Her most gracious Majesty Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, establishing a Protectorate of Her most gracious Majesty over a portion of New Guinea and the islands adjacent thereto.

To all to whom these presents shall come. Greeting.

Whereas it has become essential for the protection of the lives and properties of the native inhabitants of New Guinea, and for the purpose of preventing the occupation of portions of that country by persons whose proceedings, unsanctioned by any lawful authority, might tend to injustice, strife, and bloodshed, and who, under the pretence of legitimate trade and intercourse, might endanger the liberties and possess themselves of the lands of such native inhabitants, that a British Protectorate should be established over a certain portion of such country and the islands adjacent thereto.

And whereas Her Majesty, having taken into her gracious consideration the urgent necessity of Her protection to such inhabitants, has directed me to proclaim such protection in a formal manner at this place: Now, I, James Elphinstone Erskine, Captain in the Royal Navy and Commodore of the Australian station, one of Her Majesty's Naval Aides-de-Camp, do hereby, in the name of Her most gracious Majesty, declare and proclaim the establishment of such Protectorate over such portions of the coast and the adjacent islands as is more particularly described in the Schedule hereunto annexed.

And I hereby proclaim and declare that no acquisition of land whensoever or howsoever acquired within the limits of the Protectorate hereby established will be recognized by Her Majesty. And I do hereby, on behalf of Her Majesty, command and enjoin all persons whom it may concern, to take notice of this proclamation.

Schedule

All that portion of the southern shores of New Guinea commencing from the boundary of that portion of the country claimed by the Government of the Netherlands on the 141st meridian of east longitude to East Cape, with all islands adjacent thereto south of East Cape to Kosman Island, inclusive, together with the islands in the Goschen Straits.

Given at the harbour of Port Moresby on the 6th day of November 1884.

(Signed) James E. Erskine,
Commodore.

God save the Queen!

¹ Great Britain, House of Commons, Sessional Papers, Vol. LIV (1884-5), C. 4217, Encl. 1 in No. 148, p. 122.

A5 The amended Erskine Proclamation¹

Colonial Secretary's Office,
Brisbane, 23rd December, 1884.

His Excellency the Governor directs to be published for general information, the following Proclamation issued at Port Moresby, in the Island of New Guinea, on the sixth day of November last, by the Commodore of the Australian Station, establishing a British Protectorate over the territories named in the Schedule to the Proclamation.

S. W. GRIFFITH.

PROCLAMATION

Proclamation on behalf of Her Most Gracious Majesty VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, establishing a Protectorate of Her Most Gracious Majesty over a portion of New Guinea and the islands adjacent thereto.

TO ALL TO WHOM THESE PRESENTS SHALL COME,

Greeting:

WHEREAS it has become essential for the protection of the lives and properties of the native inhabitants of New Guinea, and for the purpose of preventing the occupation of portions of that country by persons whose proceedings, unsanctioned by any lawful authority, might tend to injustice, strife, and blood-shed, and who, under the pretence of legitimate trade and intercourse, might endanger the liberties, and possess themselves of the lands of such native inhabitants, that a British Protectorate should be established over a certain portion of such country and the islands adjacent thereto:

And whereas Her Majesty having taken into Her gracious consideration the urgent necessity of Her protection to such inhabitants, has directed me to proclaim such protection in a formal manner at this place: Now I, JAMES ELPHINSTONE ERSKINE,

¹ Supplement to the Queensland Government Gazette, Vol. XXXV, No. 113, 23 December 1884. This proclamation pretends to be identical with the one issued at Port Moresby but surreptitiously enters the D'Entrecasteaux Group into the Schedule.

Captain in the Royal Navy, and the Commodore of the Australian Station, one of Her Majesty's Naval Aides-de-Camp, do hereby, in the name of Her Most Gracious Majesty, declare and proclaim the establishment of such Protectorate over such portions of the Coast and the adjacent islands as is more particularly described in the schedule hereunto annexed.

And I hereby proclaim and declare that no acquisition of land, whensoever or howsoever acquired, within the limits of the Protectorate hereby established, will be recognized by Her Majesty: And I do hereby, on behalf of Her Majesty, command and enjoin all persons whom it may concern to take notice of this Proclamation.

SCHEDULE

ALL that portion of the southern shores of New Guinea, commencing from the boundary of that portion of the country claimed by the Government of the Netherlands on the 141st meridian of east longitude to East Cape, with all islands adjacent thereto south of East Cape to Kosmann Island inclusive, together with the islands in the Goschen Straits, and also the D'Entrecasteaux Group, and smaller islands adjacent.

Given on board Her Majesty's ship "Nelson", at the Harbour of Port Moresby, on the sixth day of November, 1884.

(Sd.) JAMES ELPHINSTONE ERSKINE
Commodore.

GOD SAVE THE QUEEN!

A6 The Schutzbrief of 1885¹

INCLOSURE IN No. 124.

Extract from the "Norddeutsche Allgemeine Zeitung" of May 22, 1885.

(Translation.)

WE, William, by the Grace of God, German Emperor, King of Prussia, &c.

Declare and ordain by these presents:

Whereas, in August 1884, we promised our protection to an Association of German subjects, which has in the meantime adopted the name of the New Guinea Company, for a Colonial enterprise undertaken by them in islands of the Western Pacific, which are not under the sovereignty of any other Power;

Whereas this Company has, through an expedition fitted out by itself, acquired and taken into occupation, under control of our Commissioner on the spot, harbours and portions of the coast, with a view to cultivation and to the establishment of commercial stations, and that these districts were thereupon placed under our protection by our ships of war;

Whereas the two German firms which had previously erected factories and acquired territorial rights on a part of those districts have joined the Company, and whereas the Company, legally represented by our "Geheimen Commerzienrath" Adolph v. Hanseemann, has now shown that it undertakes to create and maintain such political institutions as will promote commerce and make the land and soil available for cultivation, as well as bring about and preserve peaceful relations with the natives, and all that may conduce to their civilization, and has, in making this declaration, proposed that, to assist in carrying out these objects, an Imperial Letter of Protection should delegate to it the right to exercise territorial sovereignty under our sovereignty, with the exclusive right, under the supervision of our Government, of taking unclaimed land into occupation, and disposing of it, and concluding contracts with the natives respecting title to landed property;

We grant to the New Guinea Company this our Letter of Protection, and confirm hereby our assumption of the sovereignty over the districts in question.

These districts are -

1. That part of the mainland of New Guinea which is not under British or Dutch sovereignty. This district which, at the proposal of the Company, we have permitted to be called "Kaiser Wilhelm's Land," stretches on the north coast of the island from the 141st

¹ Great Britain Foreign Office. Confidential Prints, No. 5150. Further Correspondence respecting the Pacific Islands, pp. 103-5. The translation was forwarded by Sir Edward Malet to Earl Granville, 23 May 1885.

The original text is based on Nachrichten für und über Kaiser Wilhelms-Land und den Bismarck-Archipel, I (1885), pp. 2-4.

WIR WILHELM,
von Gottes Gnaden

Deutscher Kaiser, König von Preussen,

etc. etc. etc.

thun kund und fügen hiermit zu wissen:

Nachdem Wir im August 1884 einer Gemeinschaft von Reichsangehörigen, welche inzwischen den Namen "Neu Guinea Compagnie" angenommen hat, für ein von derselben eingeleitetes Colonial-Unternehmen auf Inselgebieten im westlichen Theile der Südsee, welche nicht unter der Oberhoheit einer anderen Macht stehen, Unseren Schutz verheissen hatten; nachdem diese Compagnie durch eine von ihr ausgerüstete Expedition in jenen Gebieten unter der Controle Unseres dortigen Commissars Häfen und Küstenstrecken zum Zwecke der Cultur und zur Errichtung von Handelsniederlassungen erworben und in Besitz genommen hat, und demnächst auf Unseren Befehl diese Gebiete durch Unsere Kriegsschiffe unter Unseren Schutz gestellt worden sind, nachdem die beiden deutschen Handelshäuser, welche in einem Theile jener Gebiete schon früher Factoreien errichtet und Grundeigenthum erworben hatten, der Compagnie beigetreten sind, und nachdem die Compagnie, rechtlich vertreten durch Unsern Geheimen Commerzienrath Adolph von Hanseemann, nunmehr angezeigt hat, dass sie es übernehme, die zur Förderung des Handels und der wirtschaftlichen Nutzbarmachung des Grund und Bodens, sowie zur Herstellung and Befestigung eines friedlichen Verkehrs mit den Eingeborenen und zu deren Civilisirung dienlichen staatlichen Einrichtungen in dem Schutzgebiete auf ihre Kosten zu treffen and zu erhalten, auch damit den Antrag verbunden hat, dass ihr zur Erreichung dieses Zweckes durch einen Kaiserlichen Schutzbrief das Recht zur Ausübung landeshoheitlicher Befugnisse unter Unserer Oberhoheit zugleich mit dem ausschliesslichen Recht, unter der Obergewalt Unserer Regierung herrenloses Land in Besitz zu nehmen und darüber zu verfügen und Verträge mit den Eingeborenen über Land und Grundberechtigungen abzuschliessen, verliehen werden möchte.

So bewilligen Wir der Neu Guinea Compagnie diesen Unseren Schutzbrief und bestätigen hiermit, dass Wir über die betreffenden Gebiete die Oberhoheit übernommen haben.

Diese Gebiete sind die folgenden:

1. Der Theil des Festlandes von Neu Guinea, welcher nicht unter englischer oder niederländischer Oberhoheit steht. Dieses Gebiet, welches Wir auf Antrag der Compagnie "Kaiser Wilhelms-Land" zu nennen gestattet haben, erstreckt sich an der Nordostküste der Insel vom 141. Grad östlicher Länge (Greenwich) bis zu

degree of longitude (east of Greenwich) to the point in the vicinity of Mitre Rock, where the 8th degree of south latitude cuts the coast, and is bounded to the south and west by a line which follows closely the 8th degree of latitude up to the point where the latter is intersected by the 147th degree of east longitude, and then runs in a straight line in a north-westerly direction to the intersection point of the 6th degree of south latitude and the 144th east longitude, and again in a north-westerly direction to the intersection of the 5th degree of south latitude and the 141st degree east longitude, and hence follows this line of longitude to the sea.

2. The islands lying off this portion of the coast of New Guinea, as well as the islands of the archipelago, which has up till now been known as the New Britain Archipelago, and is now, at the proposal of the Company, and with our authorization, to bear the name of Bismarck Archipelago, and all other islands north-east of New Guinea, situate[d] between the Equator and the 8th degree of south latitude, and the 141st and and [sic] 154th degrees of east longitude.

Moreover, we grant to the said Company, in return for their engagement to create and maintain the political organization undertaken by them, and to defray the costs of an adequate administration of justice, herewith the rights implied in territorial sovereignty, as well as the exclusive right to take into occupation unoccupied land in the protected territory, and to dispose of it, and to conclude contracts with the natives as to territorial titles, all this being under the supervision of our Government, which will take the necessary steps to guarantee such rights of possession to which a former lawful title can be shown, and to protect the natives.

The regulation of the administration of justice, as well as the direction and conduct of relations between the protected districts and the foreign Governments, remain in the disposition of our Government.

We promise and order hereby that our officials and officers shall carry out this our Letter of Protection by protecting and supporting the Company and its officers in all lawful ways.

This our Imperial Letter of Protection we grant to the New Guinea Company on condition that it completes its legal organization according to the prescriptions of German law within a year from this date at latest, that the members of its Board of Directors, or persons otherwise intrusted with the conduct of affairs, are members of the German Empire, making due reservation respecting future amplifications of this our Letter of Protection, and such directions as may issue from our Government with a view to giving effect to it, as well as such further dispositions as may be found advisable in the exercise of our sovereignty over the protected territory, to observe which the Company is [obliged to be] engaged, under pain of losing their claim to our protection.

In witness whereof we have executed this Letter of Protection with our own hand, and sealed it with our Imperial seal.

Given at Berlin, the 17th May, 1885.

(Signed) WILHELM.

(Countersigned) v. Bismarck.

dem Punkte in der Nähe von Mitre Rock, wo der 8. Grad südlicher Breite die Küste schneidet, und wird nach Süden und Westen durch eine Linie begrenzt, welche zunächst dem 8. Breitengrade bis zu dem Punkte folgt, wo derselbe vom 147. Grade östlicher Länge durchschnitten wird, dann in einer graden Linie in nordwestlicher Richtung auf dem Schnaidepunkt des 6. Grades südlicher Breite und des 144. Grades östlicher Länge und weiter in west-nord-westlicher Richtung auf dem Schnaidepunkt des 5. Grades südlicher Breite und des 141. Grades östlicher Länge zuläuft und von hier ab nach Norden diesem Längengrade folgend wieder das Meer erreicht.

2. Die vor der Küste dieses Theiles von Neu Guinea liegenden Inseln, sowie die Inseln des Archipels, welcher bisher als der von Neu-Britannien bezeichnet worden ist und auf Antrag der Compagnie mit Unserer Ermächtigung den Namen "Bismarck-Archipel" tragen soll, und alle anderen nordöstlich von Neu Guinea zwischen dem Aequator und dem 8. Grade südlicher Breite und zwischen dem 141. und 154. Grade östlicher Länge liegenden Inseln.

Ingleichen verleihen Wir der besagten Compagnie, gegen die Verpflichtung, die von ihr übernommenen staatlichen Einrichtungen zu treffen und zu erhalten, auch die Kosten für eine ausreichende Rechtspflege zu bestreiten, hiermit die entsprechenden Rechte der Landeshoheit, zugleich mit dem ausschliesslichen Recht, in dem Schutzgebiete herrenloses Land in Besitz zu nehmen und darüber zu verfügen und Verträge mit den Eingeborenen über Land und Grundberechtigungen abzuschliessen, dies Alles unter der Oberaufsicht Unserer Regierung, welche die zur Wahrung früherer wohlerworbener Eigenthumsrechte und zum Schutz der Eingeborenen erforderlichen Bestimmungen erlassen wird.

Die Ordnung der Rechtspflege, sowie die Regelung und Leitung der Beziehungen zwischen dem Schutzgebiete und den fremden Regierungen bleiben Unserer Regierung vorbehalten.

Wir verheissen und befehlen hiermit, dass Unsere Beamten und Offiziere durch Schutz und Unterstützung der Gesellschaft und ihrer Beamten in allen gesetzlichen Dingen diesen Unseren Schutzbrief zur Ausführung bringen werden.

Diesen Unseren Kaiserlichen Schutzbrief gewähren Wir der Neu Guinea Compagnie unter der Bedingung, dass dieselbe bis spätestens ein Jahr vom heutigen Tage ab ihre rechtlichen Verhältnisse nach Massgabe der deutschen Gesetze ordnet, dass die Mitglieder ihres Vorstandes, oder der sonst mit der Leitung betrauten Personen Angehörige des deutschen Reiches sind und unter dem Vorbehalt späterer Ergänzungen dieses Unseres Schutzbriefes und der von Unserer Regierung zu seiner Ausführung zu erlassenden Bestimmungen sowie der in Ausübung Unserer Oberhoheit über das Schutzgebiet ferner zu treffenden Anordnungen, zu deren Befolgung die Compagnie bei Verlust des Anspruchs auf Unseren Schutz verpflichtet ist.

Zu Urkund dessen haben Wir diesen Unseren Schutzbrief Höchsteigenhändig vollzogen und mit Unserem Kaiserlichen Insigel versehen lassen.

Gegeben, Berlin, den 17. Mai 1885.

(L. S.)

(gez.) Wilhelm.

(gez.) v. Bismarck.

Kaiserlicher Schutzbrief

für die

"Neu Guinea Compagnie".

B The Queensland Boundary, 1879-1919

B1 The Queensland Coast Islands Act of 1879¹

43 Vic. No. I An Act to provide that certain Islands in Torres Straits and lying between the
The Continent of Australia and the Island of New Guinea shall become part of
Queensland the Colony of Queensland and subject to the Laws in force therein.
Coast Islands
Act of 1879* [Assented to 24th June, 1879.]

[Assented to 24th June, 1879.]

Preamble.

Whereas by letters patent under the great seal of the United Kingdom of Great Britain and Ireland bearing date the tenth October in the forty-second year of the reign of Her Majesty Queen Victoria Her said Majesty did authorize the Governor for the time being of the Colony of Queensland by proclamation under his hand and the public seal of the Colony to declare that from and after a day to be therein mentioned certain islands which are described in the schedule hereto should be annexed to and form part of the said Colony

And in the said letters patent it was provided that the said Governor is not to issue such proclamation as aforesaid until the Legislature of the said Colony shall have passed a law providing that the said islands shall on the day aforesaid become part of the said Colony and subject to the laws in force therein

And in the said letters patent it was also provided that the application of the said laws to the said islands might be modified either by such proclamation as aforesaid or by any law or laws to be from time to time passed by the Legislature of this Colony for the Government of the said islands so annexed

And whereas it is desirable that the said islands shall be annexed to and form part of the said Colony of Queensland

Now be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows -

1. From and after such day as His Excellency the Governor of Queensland shall by such proclamation** under his hand and the public seal of the Colony as is authorized by the said letters patent mention and appoint for that purpose the Islands described in the schedule hereto shall be annexed to and become part of the Colony of Queensland and shall be and become subject to the laws in force therein.

SCHEDULE

Certain Islands in Torres Straits and lying between the Continent of Australia and Island of New Guinea that is to say all Islands included within a line drawn

¹ The Queensland Statutes, Vol.I (Brisbane, 1911), p.330.

from Sandy Cape northward to the south-eastern limit of Great Barrier Reefs thence following the line of the Great Barrier Reefs to their north-eastern extremity near the latitude of nine and a half degrees south thence in a north-westerly direction embracing East Anchor and Bramble Cays thence from Bramble Cays in a line west by south (south seventy-nine degrees west) true embracing Warrior Reef Saibai and Tuan Islands thence diverging in a north-westerly direction so as to embrace the group known as the Talbot Islands thence to and embracing the Deliverance Islands and onwards in a west by south direction (true) to the meridian of one hundred and thirty-eight degrees of east longitude.

* Short title given, 3 Edw. VII. No.10, s.8 (1), title Acts.

** A Proclamation annexing islands described in the schedule was gazetted on the 21st day of July, 1879, as from the 1st day of August, 1879.

THE ISLANDS OF THE STRAITS.

(Extract from Report addressed to the Honorable
the Colonial Secretary by the Government Resi-
dent, Thursday Island, and referred to in Memo.
on New Guinea.)

[1 July 1885]

These might well form the subject of a separate report. They were at one time the resort of questionable characters over whom no authority could be exercised. The inclusion of them within the territorial jurisdiction of Queensland has been beneficial to them in one respect - they are no longer infested by the most predacious kind of beach-combers. They are worthy, however, of much more attention than has hitherto been bestowed on them.

Murray, Darnley, and Stephen are, each of them, lovely islands, possessing many advantages both of soil and climate. They are fertile and healthy. There are other islands also, such as Banks Island and Jervis Island, which are interesting, though not so fertile as the first-named islands. Saibai, also, close to the mainland of New Guinea, though low and swampy, is inhabited by an enterprising tribe who have lately laid aside their savage usages, and promise to be most useful allies in the civilization of their neighbours. The people of Saibai have, to a great extent, been Christianised. The old skull-hunters are now in a minority, and the young people are most anxious to live by agriculture, or by some respectable and peaceful avocation. The island belongs naturally to New Guinea, and now that the Protectorate has been proclaimed it ought to be handed over to New Guinea. This, however, would require to be arranged with Her Majesty's Britannic Government, and confirmed by an Act of the Queensland Parliament. Indeed, a re-adjustment of the present maritime boundary of Queensland in these seas is now rendered desirable. I hardly like to suggest a re-adjustment which would involve a transfer to New Guinea of all the islands in the Straits, because I know that young States, quite as much as old States, are particularly sensitive as to their territorial possessions.

It might be supposed, also, that I had some personal interest in the re-adjustment from the fact that I have been appointed Special Commissioner for New Guinea. Nevertheless, I am convinced that the arrangement would be a good one for all concerned.

¹ 'British New Guinea. Correspondence respecting Future Administration', No.65. Victorian Parliament, Papers, 1886, Vol.III, pp.7-8 (enclosed with the Memorandum by the Special Commissioner for the Protected Territory of British New Guinea, P.86/958).

The islands are excellent stepping-stones to New Guinea. Most of them are perfectly healthy - New Guinea is not - nor do I think that the Government or the people of Queensland attach any particular importance to the possession of the islands, including even the Prince of Wales Group. They regard them, if I am not mistaken, rather as sources of probable future expenditure than as sources of revenue. It must be admitted, also, that this is a region in which the native/^{OR}coloured races will, in all human probability, preponderate. Such a condition of society is not in accordance with the genius of the people of Queensland. It is possible that you may be able to recognise these indications of the order of Providence, and to induce others of our countrymen to accept the higher principles of natural adjustment which rise superior to the temporary expedients of a passing emergency. The territorial definitions of the present are not binding on futurity, if more convenient arrangements for the purposes of government can be made. The union of the different States of Australia, which will gradually be accomplished, points to territorial re-adjustments in the interests of the people themselves. I can scarcely doubt that you entertain these views yourself, and that the realisation of them, so far as it is possible in connexion with your administration of affairs, is merely a question of time and opportunity. If, therefore, after an examination of the position, you should arrive at the conclusion that the insular dependencies of Queensland in this vicinity could advantageously be transferred to the New Guinea Protectorate, I feel convinced that a considerable advance will then have been made to the settlement and the good government of the new Province. It might, indeed, be a condition of the re-adjustment that the Protectorate should be associated with, and for a time at least be dependent on, the Administration of Queensland. Some harmony of action might thus be secured, which would prove advantageous to both. The chief interest which Queensland will have in the occupation and civilization of New Guinea must be that which is founded on commercial relationships. The merchants and storekeepers of Townsville, Cooktown, and Thursday Island will buy from the natives whatever marketable commodities they can produce, and there is every reason to believe that this production will not be inconsiderable, when they have learned the value of regular industry. In like manner, our merchants and traders will sell to the natives the numerous articles of commerce which are recognised with us as being the necessities and the luxuries of life. The various breeds of animals which have been domesticated here will be domesticated there; and all this, in addition to the probability of mineral discoveries being made, will lead to profitable interchanges, by which the people of Australia, and especially the inhabitants of Northern Queensland, will profit.

I conclude, therefore, that whatever contributes to the civilization of the natives of New Guinea, and to the occupation of it by European settlers, having respect to the rights of the natives, will be advantageous both to them and to us.

For these reasons, and for others which might be urged, I am satisfied that the more intimate the relationship of the two countries can be made the more profitable and useful will be the connexion. To the enterprising and acclimatised pioneers of Northern Queensland I look chiefly for the material which will be most useful in the early stages of the occupation of New Guinea; the island inhabitants of the Straits may also be made largely to contribute to this end.

My proposition is that the islands of Torres Straits, including the Prince of Wales Group, should be transferred to the New Guinea Protectorate. If this suggestion should be adopted, it will be nothing more than a re-adjustment of administrative responsibility by which the inhabitants on both sides of the Straits would benefit, and by which their interests in common will be advanced. I feel sure that I shall not appeal to you in vain for a correct estimate

of the position; and if you are disposed to deal with it, either in the form in which it presents itself to me, or in any other, I hope that you will, at your early convenience, address Her Majesty's Government on the subject.

I have, &c.,

John Douglas.

Thursday Island, 1st July, 1880. [1885]

B3 Sir Samuel Griffith to Sir Henry Norman¹

Chief Secretary's Office,
Brisbane, 17th January 1893.

To His Excellency

Sir Henry W. Norman, G.C.B., &c. &c.
Governor.

Sir,

On the recent visit of Mr Byrnes and myself to Thursday Island and the Northern Ports of the Colony, we took the opportunity of visiting also the islands of Saibai and Dauan (Cornwallis Island) which lie off the coast of British New Guinea, but form part of the territory of Queensland under the Letters Patent of 10th October, 1878, and Lord Normanby's Proclamation of the 21st July, 1879.

2. Attention has several times of late been called to the apparent anomaly arising from the fact that these islands, together with the Talbot Islands, all of which belong ethnologically and geographically to New Guinea, should remain part of the territory of this Colony, now that the adjacent mainland of New Guinea forms part of the British Dominions. We were therefore anxious by personal observation to ascertain the actual conditions of the case.

3. The Island of Saibai is a long, low island, consisting principally of lagoons and morasses, with a mangrove fringe, but supporting some hundreds of people. There is a Chief recognized by the Queensland Government, and four natives receive pay at the rate of £1 per annum as policemen. To this extent the jurisdiction of Queensland is exercised - But there is no real Government, and the law of Queensland makes no provision for the recognition of the native tenure of land, nor is there any authority under the law of Queensland to make such Regulations for the good government of the natives as have been made with beneficial effect by the Native Regulation Board of British New Guinea. The laws of Queensland are indeed framed for the government of civilized and not of primitive people, such as those of Saibai, who differ in few if any respects from their neighbours on the mainland of New Guinea, except so far as their habits have been modified by their employment in Queensland waters under circumstances to which I will presently advert.

4. The Island of Dauan is lofty, rising to about 900 feet, with some cultivable land, and has permanent water. It is indeed the only high land within some hundreds of miles on either side, and is reputed to be healthy. There is a good anchorage in all weathers.

¹ Commonwealth Archives Office. CP 1 (Colony), series 5, vol.10, pp.14-20. Sir Henry W. Norman was Governor of Queensland, May 1889-December 1895. Sir Samuel W. Griffith was Premier, November 1883-June 1888; August 1890-March 1893.

Mabudauan, the Government Station for the Western Division of British New Guinea, is distant about ten miles to the Eastward, and the low hill on which it is situated can be seen from Dauan. I understand, however, that Dauan itself would be a far better site for the Government Station if it were available for the purpose.

5. The permanent inhabitants of Dauan are few in number. We were informed by an intelligent native that they consisted of six families only. At the time of our visit, however, the population was increased by the visit of the whole of the inhabitants of Boigu, the only inhabited island of the Talbot Group, which lie[s] at the mouth[sic] of the Mai Kussa and Wassi Kussa Rivers a few miles to the Westward, and within sight of Dauan, and which also form part of the territory of Queensland. These islanders who on the authority of the same intelligent native - consisted of 17 families only, are in the habit, it appears, of periodically taking refuge in Dauan from the raids of the Tugeri (see Sir William MacGregor's Report for 1889-90 p.p. 68, 69, and Report for 1890-91 p.45.) Dauan being sufficiently far - 5 or 6 miles - from the coast to lessen the risk of an attack from these piratical tribes, who keep close to the New Guinea shore in their marauding expeditions. A good many small gardens were to be found on the Northern Shore of Dauan, cultivated by the Boigu people.

6. The Rev. James Chalmers, who accompanied us from Thursday Island, proposes to make Dauan the head quarters of the operations of the London Missionary Society in Western New Guinea, and there can be no doubt that the island is admirably adapted by situation, quality of soil, and healthfulness, for the purpose.

7. The difficulties in the government of the people of Dauan by Queensland are the same as those which I have pointed out as to Saibai. The same remarks apply to Boigu and the other islands of the Talbot Group, which, however, are only inhabited for parts of the year.

8. These considerations appear to indicate that it would be to the advantage of the people of these islands to be transferred from the jurisdiction of Queensland to that of British New Guinea, where a system of government admirably adapted for dealing with the Papuan race, and which takes full cognizance of their tribal customs and system of land tenure, is in force. There is, however, one circumstance which to some extent points in a contrary direction.

9. Communication has for many years been frequent between the people of Saibai and Dauan, and those of Mabuag (Jervis Island) which lies about midway between British New Guinea and Thursday Island, and between the people of the latter and the aboriginal natives of the Islands about Cape York, and a considerable number of the men of Saibai and Dauan (including the periodical visitors from Boigu) have for a long time been employed in the Pearl Shell Fishery of which the headquarters are at Thursday Island. It would, I think, be unfortunate to deprive these people of this mode of employment, which is allowed, and surrounded with proper safeguards, under the Queensland law. If, however, the Islands were annexed to British New Guinea, the natives could no longer, under the existing Ordinances of the Possession, be employed in the Fishery, except on vessels which are stationed in the waters of the Possession (Native Labour Ordinances of 1892, Sec:23). This condition would practically prohibit their continued employment in the Fishery.

10. The Government are of opinion that if the difficulty to which I have called attention were removed by an Ordinance allowing the continuance of the engagement of the people of these Islands in the Queensland Fisheries under the laws of Queensland, it would be distinctly to their advantage that the islands should be transferred to the Possession of British New Guinea, to which they naturally belong, while the Colony of Queensland would suffer no loss by the transfer.

11. For the purpose of the rectification of the boundary between Queensland and British New Guinea I would suggest that the dividing line should be so amended as to include within Queensland jurisdiction the Warrior Reefs (which have for some years been largely fished by Queensland vessels) and Turn Again and Deliverance Islands (which are uninhabited), but leaving all the islands to the north of a line skirting the northern limit of those localities within the jurisdiction of British New Guinea. This line of demarcation would include Saibai, Dauan, Boigu and the rest of the Talbot Group within the limits of British New Guinea.

12. I have now the honour to request Your Excellency to be good enough to submit the matter for the consideration of the Secretary of State, and of Sir William MacGregor.

13. In the event of these suggestions being approved, it would probably be necessary that an Act should be passed by the Legislature of Queensland authorizing Your Excellency by Proclamation to declare that all islands to the North of the amended line of demarcation should be transferred to, and form part of, British New Guinea, and that this Act should be supplemented by the necessary authority to the Administrator of British New Guinea (by Letters Patent, or otherwise) to annex them to that Possession.

I have the honour to be,

Sir,

Your Excellency's most obedient, humble Servant,

(Signed) S.W. Griffith.

B4 Sir William MacGregor to Sir Henry Norman¹

No. 24

Thursday Isd.

23.3.93.

Sir.

I have not previously replied to Your Excellency's despatch No. 11 of 19th Jan. because I had hoped to be able to visit the different passages in the Warrior Reef and also Deliverance Island, which should in my opinion be examined before any new boundary between Queensland and the Possession is determined. Owing to the unfortunate necessity of having to send the 'Merrie England' to Brisbane for repairs I shall not now for several months be able to go to those places.

2. Although I have not made the question raised by Sir Samuel Griffith the subject of any special representation I have long entertained the opinion that the present division of jurisdiction is anomalous and unfair to the Possession. Undoubtedly the protection of the labourers employed in the fishery in those regions demanded the extension of the jurisdiction of Queensland at the time the extension up to the present existing boundary, but with an established Government on the other side of the strait the position is greatly changed and I am of opinion that a change of boundary is now desirable.

3. The grounds on which this opinion rests are chiefly these:- A look at the map will convince any person that the Queensland territory encroaches unduly on the Possession. ~~A look at the map will convince any person that the Queensland~~

(a) It must come within one or two hundred yards of the mainland of New Guinea when it passes between the mainland and the Talbot Group. It is barely possible, even by incurring much trouble and waste of time to go west from the Government Station at Mabudauan to say Thomson Bay, without crossing some part of the Queensland jurisdiction. Sometimes it would be possible to do so without obtaining water at Boigu, but in most cases we have been compelled to seek fresh water there in passing the Group either eastward or westward.

(b) Deliverance and Turn Again Islands, the Talbot Group, Dauan, Saibai, and Warrior Isd. are the natural stations and harbours for the maritime part of the population of the Western portion of the Possession, if they are to be allowed to have any fishing ground at all. At present it is practically all in the hands of Queensland, and the coast tribes of the Possession must either work in Queensland boats or not work at all in the fisheries. No one can contend that it is an equitable arrangement that Queensland should remain possessed of the valuable fishing grounds of the Straits right up to within less than a bowshot of the mainland of the Possession. It is an unfortunate circumstance that the western part of the

¹ Commonwealth Archives Office. CP 1 (Colony), series 6, vol. 2, Despatch No. 24, pp. 457-63.

Possession, which is thus at present cut off from the fisheries, is not suitable for agricultural enterprise. The natives there would take kindly to sea employment. A small number of them are employed by the Government in the constabulary. etc. Some of them are engaging for plantation work further east and this kind of employment will no doubt soon be much extended for them; still I should willingly see marine employment also open to them. It may safely be taken as granted that it is not possible to keep up restrictions on native labour after they cease to be manifestly necessary. In my opinion it is desirable for the general commonweal as well as for the native race itself that restrictions on the employment of the latter should gradually be removed as the natives become prepared to fight their way in the world, until the labour is made as free as that of a white man. But the removal of restrictions is a matter that requires time as it demands some previous education. If planting does not prosper sufficiently in other parts of the Possession to furnish employment for these western tribes, who, now that war is no longer a profession for them, have time on their hands, it will become an urgent matter to find marine employment for them. This as I shall show further on can best be got by a change of boundary. The islands mentioned above are for this the natural points for stations, anchorages, etc., for administrative purposes for that part of New Guinea.

(c)² That the Possession is put at a very serious fiscal disadvantage by the present boundary is manifest. The fishing ground left to British New Guinea in the west is practically nil: hence we cannot obtain the settlement of Europeans there; the shell and trepang that should naturally belong to the Possession are in Queensland waters, and the Revenue of the Possession unfairly suffers in consequence.

Were it similarly cramped in the East End it would be absurd to suppose that the Revenue could ever be brought to meet expenses.

(d)² I have shown that west of Mabadauan the Queensland encroachment is so great as to gravely hamper administration. East of Mabadauan station matters are not much better. The steamer cannot at present pass east or west nearer to the Mainland than the passage in the reef just south of Warrior Island: and she probably has to anchor in Queensland waters in front of Mabadauan. Surely the steamer should be able to reach the Station and to anchor there without leaving British New Guinea waters.

(e)² The inhabitants of Boigu, Dauan, Saibai, and Warrior Isd. have intimate intercourse with the New Guinea tribes, and they obtain much of their food from the Possession. I do not think the inhabitants of the Queensland islands under consideration are of the same race as the Papuans. A comparison of their vocabulary with that of the nearest Papuan tribes will shew that they are quite different from each other (See Annual Report) and they have few if any racial automical [sic] characteristics in common. They approach each other in customs and have intertraded from time immorial [sic]. Their connection under the same Government would thus seem to be pointed to by the circumstances of their respective positions.

4. Assuming now that there should be a rectification of boundary of the kind suggested by Sir Samuel Griffith, there remains to be considered the two very important questions of

(1) The position of the inhabitants of the islands that would be added to the Possession. &

(2) The line to be followed by the boundary.

² The indication of these sub-headings is meaningless in the archive copy consulted. Adjustments have been made on the basis of the original archive copy.

5. I concur with Sir Samuel Griffith in thinking that the people of Saibai, Dauan, Boigu (and I would add Warrior Isd.) should be allowed to continue to participate in the Straits fisheries. It would be impolitic in every sense to try to prevent them from engaging to work in fishing boats. But their employment would have to be regulated, so that they would be engaged and paid off before a magistrate of the Possession, and it would be an obligation of the employer to return them to their homes on the expiration of their term of service. There would also have to be some provision for inspection; and above all a strict prohibition against their being supplied with intoxicating liquor. There is perhaps no aboriginal race on the globe that would not in fewer generations than could be counted on one hand become extinct if they obtained intoxicating liquor as native labourers do now at Thursday Island.

In all this there would be nothing unreasonable, nothing that would not tell to the lasting advantage of both employer and employed. The details would present some difficulty. The matter would have been greatly facilitated if Your Government could have seen its way to favour the suggestion for conjoint Magisterial jurisdiction in the Straits as proposed in my despatch of _____.

Were the employment of these islanders once fairly established as above indicated, under the authority of the Government of the Possession, the system could gradually be extended, district by district, on the mainland of New Guinea. It could not possibly be long confined to the islands even if the Government of the Possession were so unwise as to try to do so. The Fly River and coast tribes would soon begin to desert to the islands and to seek employment in spite of the Government. Were the islands added to the Possession and the necessary regulations once fairly at work, I think the engaging of Papuans under similar circumstances could soon be begun. The Torres Straits fisheries are a permanent industry, and the Labour Regulations for the islands and for the mainland of New Guinea should be such as to establish and retain a permanent supply of labour, and to remove as far as possible the introduction of Oriental aliens, a class of people objectionable from almost every point of view.

6. The line of boundary proposed by Sir Samuel Griffith is not in my opinion a fair one. It is a generous proposal to this extent, that it contemplates the voluntary cession, for no equivalent, of a certain amount of territory now comprised within the boundary of Queensland. And further I would respectfully say that the proposal is one that is highly creditable to Your Excellency's Government as being made solely out of consideration for the native inhabitants of the islands concerned. What I mean is this, Sir Samuel Griffith's proposal would not restore to the Possession anything at all like what would be a fair share of the Straits fishery. It would give to the Possession a mere fringe of what it would have received had the two colonies been simultaneously created and a fair division of the Straits been made between them. I believe the Hon. John Douglas has for years contended that the 10⁰ of South Latitude should be made the boundary between the Governments.

It is I am aware, a very unusual thing for any Government or any community to gratuitously and voluntarily cede territory. Such a proceeding seems to be contrary to the general striving of human natures. I would not therefore make a stand on of having the 10⁰ of Latitude as the boundary as I should think it very improbable that Queensland would be willing to agree to that. But I respectfully submit that the whole of the Warrior Reef north of the Warrior Island should be added to British New Guinea. The boundary I would suggest would go from Bramble Cay to Basilisk Pass on the South side of Warrior Island (Tuti), thence to Deliverance Island.

If Your Excellency's Government would not entertain the idea of the Basilisk Passage being made the boundary at that point, then I most earnestly recommend that some other navigable passage in the Warrior Reef be substituted for it. If any passage through this reef north of Warrior Island can be considered to be a probable and desirable boundary, then I would advise that the ship of war surveying on the coast of Queensland should visit the Warrior Reef and survey a navigable passage through it which could be made the boundary. The vessel should at the same time visit and make a rough survey of Deliverance and Turn Again Islands, which clearly should be transferred to the Possession, as they are the only points of departure for visiting the country west of the Talbot Group.

I have etc.

Sgd. Wm. MacGregor.

B5 Sir William MacGregor to the Secretary of State
for the Colonies¹

32 York Place,
Portman Square,
London

19th March 1895.

My Lord,

I have had the honour to receive Mr Eleden's despatch of 6th March, and to give careful consideration to its enclosures. I have learned with much disappointment the proposed line of boundary suggested by the Chief Secretary of Queensland and supported by the Governor of that Colony.

2. As neither Sir Henry Norman nor Mr Nelson state the grounds on which their recommendation is made, these must be sought in the letter of Sir Samuel Griffith of 17th January 1893. Sir Samuel Griffith proposed that the islands of Saibai, Dauan, and the Talbots should be transferred to British New Guinea because (a) There is no real Government on those islands and the law of Queensland does not contemplate the creation of the machinery required for the government of natives, (b) The island of Dauan would be a far better site for the Western Government Station than Mabuduan, (c) it would be advantageous to these islanders to be detached from Queensland and added to the Possession.

3. The reasons for which on the part of British New Guinea a change of boundary is needed are:- (a) That the present boundary cuts off all the fishing grounds that should naturally belong to the Possession. (b) That this deprivation cannot but be extremely unfair to the future finances of the Possession. (c) That it takes away employment in the fishing industry from the western natives unless they are employed beyond the jurisdiction of British New Guinea and (d) that in proceeding from the east to the west the route lies through Queensland jurisdiction which also comprises the natural and only halting places for vessels visiting the Western Coast of the Possession.

4. The Queensland proposal would transfer the inhabitants of Dauan[,] Boigu and Saibai, but without their fishing grounds. This would add to the difficulty already existing in the west, the want of marine employment to the men in the natural fishing grounds of their own colony. It is further proposed that the services of these natives, to be transferred should be retained for Queensland by allowing the continuance of their engagement under the laws of Queensland; I fully concur in the view that under this arrangement Queensland would suffer no loss by the transfer; but what would be the advantage to the Possession? Deliverance, Turn Again and Warrior Island and practically all the fishing ground of the west would remain with Queensland while the Possession would have to care for natives that cannot grow their own food on the islands they occupy. It would be desirable to take over this additional

¹ Commonwealth Archives Office. CP 1 (Colony), series 4, 'Separate No.9'.

responsibility and expense if a reasonable share of the fishing grounds accompanied it, but without that it should not in my opinion be accepted.

5. Dauan is a granite hill quite unfit to grow food for half a dozen families. It is far inferior to Daru, the present Government Station for the Western District. The sea is fast removing the dry land fringe of Saibai Island and had already reached the swamp in the interior when I was last there. The Tuti (Warrior) Island people will soon have no home at the present rate of encroachment by the sea. Boigu has a small area of land above high water mark and that piece is fertile, but the natives there lead a most wretched life. These islanders also those from Darnley and Murray, are constantly to be seen on the New Guinea coast in search of food. They are by no means a desirable acquisition, still they would be gratefully accepted if they brought to the Possession their fishing grounds. It is highly probable that many of them will before long settle on New Guinea, several have already done so.

6. The green line on the charts indicates the minimum that could in my opinion be transferred to the Possession in any change of boundary.² It is the smallest that permits of a free passage from east to west without entering the jurisdiction of Queensland. It is the least that could be proposed if regard is had to any distribution of the natural fishing grounds, and it goes no further south than is absolutely necessary to secure for the west coast of the Possession, its geographical, its natural and its only halting places.

7. It may be pointed out that the proposal that those natives, if transferred by a change of boundary, should be engaged under the law of Queensland, does not seem to be free from difficulty; but there would be no reason why they should not be engaged to fish in the straits in the same way as the western natives are now employed in that fishery, that is engaged in the usual way before the Magistrate of the District, to work in boats located in the Possession but fishing in the straits under licences from Queensland and British New Guinea.

8. The Government of Queensland has hitherto shown ~~only~~ such clear and manifest desire to be fair and just in all its dealings with the Possession, that I cannot but think that on a reconsideration of the whole case and keeping in view what the Possession requires, and what I respectfully submit it should on equity receive, the boundary indicated by the green line will be conceded.

The Government of Queensland is already aware that with the sanction of the Secretary of State the employment of labourers outside their own districts was provided for as soon as this could safely be done, they also know that the employment of the natives of the Possession in the Straits is being permitted and facilitated as far as this is practicable under existing circumstances[;] considerations that should go some way in enabling them to adopt the green line boundary.

I have etc.

(Signed) Wm. MacGregor.

The Most Honourable

The Secretary of State for the Colonies,
Downing Street, London.

² For a reproduction of the original tracing showing the boundary revisions recommended by the Hon. John Douglas, Sir William MacGregor, and Sir Samuel Griffith see S.N.G.B., Fig. 4.

B6 Queensland. Boundaries. Order in Council directing
that certain islands now attached to the colony of
Queensland shall become part of the possession
of British New Guinea¹

At the Court at Windsor, the 29th day of June, 1896.

PRESENT:

The Queen's Most Excellent Majesty

Lord President
Earl of Kintore

Lord Arthur Hill
Lord Balfour of Burleigh.

Whereas by the Colonial Boundaries Act, 1895,* it is provided as follows:--

"When the boundaries of a Colony have, either before or after the passing of this Act, been altered by Her Majesty the Queen by Order in Council or Letters Patent, the boundaries as so altered shall be, and be deemed to have been from the date of the alteration, the boundaries of the Colony. Provided that the consent of a self-governing Colony shall be required for the alteration of the boundaries thereof."

And whereas Her Majesty is desirous of altering the boundary of the self-governing colony of Queensland in such manner that certain islands which are now attached to that colony shall become part of Her Majesty's possession of British New Guinea:

Now, therefore, Her Majesty, by virtue and in exercise of the powers by the Colonial Boundaries Act, 1895,* or otherwise in Her Majesty vested, is pleased by and with the advice of Her Privy Council to order, and it is hereby ordered as follows:

1. So soon as the colony of Queensland shall through its Legislature have consented to the alteration of the boundary of the colony as herein described, the boundary of Queensland to the northward shall be as follows:

From Bramble Cay the boundary line shall run S. 79° W. (true) touching the northern end of Warrior Reef, to the 143rd meridian of east longitude which it follows to the southward for 15 miles of latitude to the parallel of 9° 32' south latitude, thence along that parallel passing north of Turnagain and Deliverance Islands, from whence it resumes its original direction S. 79° W. (true).

2. The islands and reefs lying to the northward of the boundary as thus altered shall thenceforth become and be part of Her Majesty's possession of British New Guinea.

C.L. Peel.

* 58 & 59 Vict. c.34.

¹ Great Britain, Statutory Rules and Orders, 1896, p.488.

B7 Sir William MacGregor to Lord Lamington¹

[Port Moresby]
Government House.
12th June 1896.

My Lord,

I have the honour to bring under notice despatch No.49 of 5th September addressed by Sir Henry to myself with reference to the subject of a rectification of boundary between Queensland and this colony.

The present position of this question so far as it is known to me is this:-

The Government of Queensland is prepared to transfer to British New Guinea the islands of Saibai, Dauan, and the Talbot Group, a transfer that would be disadvantageous to this colony as it would increase the number of our natives there ~~while it would~~ proportionately diminishing their fishing grounds, inasmuch as the Government of Queensland wish to retain Deliverance Island, Turn Again Island and the whole of the Warrior Reef up to the present boundary.

The Right Honourable the Secretary of State for the Colonies desired to have further information as to the fishing grounds of the natives. Formerly I was in a position to give only very general information on this ~~subject~~ very important subject, and the matter had been allowed to rest for some time until I could find an opportunity of giving to it special attention on the spot. The result of a recent examination of it by myself on the ground has been that it has been found that the boundary at present existing or the boundary proposed by the Government of Queensland would, if maintained and insisted upon, inflict a great and unbearable injustice on several of our coast tribes. So clear is this that I entertain no doubt whatever that when the circumstances are known to the Government [of] Queensland they will be willing to modify their proposals at least to the extent of not depriving the natives of their tribal and hereditary fishing grounds, if they are not inclined to change the boundary to a natural one on administrative considerations.

2. The task before me was this:- first to find some of the tribal fishing grounds that lie above the boundary, then to ascertain on which side of the present boundary line they are situated. I have spent nearly a week on the reefs nearest to the boundary line, accompanied by representative men of the coast tribes; and by astronomical observation and triangulation I have determined the geographical position of some of these points.

3. The tribe of Giavi or Gasiri fish on the reefs known as Kimusi, Wappa, Mataromai, Ibu, Uru, and Parakiuru; they fish in common with the tribes of Parama extending their operations up to or near to Tudu (Warrior Island).

¹ Commonwealth Archives Office, CP 1 (Colony), series 6, vol.3, pp.474-8. Lord Lamington was Governor of Queensland, April 1896-December 1901.

The tribe of Daru fish on Mataromai, Ibu, Ura, Parakiuru and along the East side of the Warrior Reefs towards Tudo Island. Watawari, Kimusi, Wapa, and the reefs in their neighbourhood, are constantly fished by the tribes of Mawatta and Turituri. I have been on these reefs with natives that are in the habit of fishing there and have thus identified them on the spot. They catch on them fish, turtle, dugong, etc.

4. I forward herewith a chart on which the ascertained position of several of the reefs or parts of reefs mentioned above are marked. It shews that the greater portion of Parakiuru is on the Queensland side of the boundary; that Watawarra, Araaogoro Ura, Matataroimai [sic], Kimusi, and Ibu are wholly in Queensland waters. The Wapa reef mentioned above but not shewn on the chart is still further in Queensland waters. No attempt has so far been made by Queensland officers to prevent our natives from fishing there, but these latter are aware that these reefs lie on the Queensland side and that they might thus be molested at any time. In all probability neither the Government of Queensland nor the Secretary of State for the colonies knew at the time this boundary line was established that it put a great, perhaps the greater part of the fishing grounds of these tribes on the Queensland side of the line. I wish to say respectfully but clearly and distinctly that these tribes cannot without injustice and oppression be cut off from these fishing grounds any more than they can be deprived of their hereditary garden lands. The reefs yield them crops that never fail.

5. The position of these few reefs has been obtained at the cost of considerable labour, but in the full knowledge of the great importance of the interests involved the trouble and discomfort has not been begrudged. But I regret very much that I am not in a position to put the results in a better form on the chart.

I would ask that if Your Lordship concurs with me in deeming the matter of sufficient importance that the chart and accompanying papers may be forwarded to Mr. MacDowall, Surveyor General of Queensland, with the request that he have the data given put on a newer chart and in proper form. Mr. MacDowall as an expert of ripe experience and a great practical knowledge in such matters will be able to say whether the positions given by me are sufficiently accurate to justify my assertion that the reefs in question are on the South side of the boundary line.

6. If Mr. MacDowall is satisfied on that point I would then make this request:-

That the Government of Queensland appoint the Hon. John Douglas a Commissioner for Queensland to meet Mr. Hely as a Commissioner for British New Guinea to report on what reefs the British New Guinea tribes fish on the Queensland side of the boundary line. The two officers mentioned above are stationed one on each side of the ground in question, and they are more familiar with the subject than any others that could be employed. A joint report from them would probably be both to the Secretary of State and to Your Excellency's Government [and] the most satisfactory way of arriving at a full knowledge of the facts. In this communication full details are not given for several reasons: I could not spare the necessary time to follow their fishing grounds to the Southern limit. I did not feel myself at liberty to proceed without authority far inside of Queensland waters in prosecution of such an enquiry; and I could not interrogate or reach the natives of Tudo to learn where their fishing grounds march with or overlap those of British New Guinea tribes. I considered it my duty to find the position with respect to the boundary of the reefs nearest to it on the Queensland side and fished by our tribes. I have confined myself to that and I trust that this may be found to be sufficiently clearly established to justify me in submitting the proposal of this inexpensive commission of inquiry.

I have no doubt that Your Excellency will concur with me in thinking that the Secretary of State should not be asked to finally decide on this question of boundary until the matter of these fishing rights has been thoroughly examined. And with this object in view might I suggest that a copy of the chart corrected by Mr. MacDowall might be transmitted to the Secretary of State to shew that the question raised by him in respect of these fisheries is receiving careful attention. I should be obliged to have the chart and the accompanying papers returned when Mr. MacDowall has finished with them.

I have etc.

Sgd.. Wm MacGregor.

COPY.

CHIEF SECRETARY'S OFFICE,
Brisbane, 24th February, 1898.

My Lord,

With reference to the Despatch from the Right Honourable the Secretary of State for the Colonies dated 20th May last and to previous correspondence on the subject of the proposed alteration of the boundary between Queensland and British New Guinea and especially to my letter of 5th October 1896, in which I explained to Your Excellency that owing to the urgent representations made by Sir William MacGregor in his Despatch dated 13th of June of that year it was not intended to proceed with the Draft Bill which has been prepared for submission to Parliament to give effect to the Order in Council made by Her Majesty under the provisions of the Colonial Boundaries Act, 1895 (whereby the boundary was altered in accordance with the original recommendation submitted by Sir Samuel Griffith in his letter to Sir Henry Norman of 17th January 1893) until after the Lieutenant Governor's next visit to Brisbane, when opportunity would be afforded for a full discussion of the proposal in all its bearings. I have now the honour to inform Your Excellency that advantage has been taken of Sir William MacGregor's presence in Brisbane on the first visit which His Excellency has made since the date of the Order in Council referred to, in order to arrive at a settlement of this question.

In explanation of the decision which has been arrived at I may state that in October 1896 I had the advantage of conferring with Sir Samuel Griffith and with the Honourable John Douglas on the subject of the proposed amendment, as a result of which I arrived at the conclusion that a fair compromise between the boundary advocated by Sir William MacGregor and that proposed by this Government would be to adopt as the northern boundary of this colony a line running from a point on the existing boundary three miles South Easterly from Bramble Cay and bearing S.55°W, true to a Point midway between Pearce Cay and Dalrymple Island, thence by the centre of Moon Pass in Warrior Reef and by a line bearing S.88°W. true, passing 3 miles south of Turnagain and Deliverance Islands, Westerly, thence in a West by South direction, true, to the meridian of 138° of east longitude. Mr. Douglas, who shortly afterwards met Sir William MacGregor communicated this suggested compromise to His Excellency, who in a Despatch dated 1st April 1897, expressed his opinion that next to the boundary proposed by himself, whereby the whole of the Warrior Reef would be included in the Possession, the arrangement above referred to would be the best and would be a fairly equitable boundary as regards the fishing grounds of the New Guinea coastal tribes. I had left for England before this Despatch was received, although I had been informally

¹ Commonwealth Archives Office. A 1, 06/5950.

notified that my proposition was favourably regarded by Sir William MacGregor, but in the meantime I learnt from persons interested in the Pearl shelling industry that a considerable quantity of shell is obtained in the vicinity of Turnagain and Deliverance Islands, and that they therefore received with alarm the proposal to excise them from Queensland territory. I was at first disposed to think that a solution of the difficulty might be arrived at by passing legislation in both Colonies which would admit of reciprocal recognition of pearl shelling licenses issued in either of them, but I now learn from Sir William MacGregor that he could not in the interests of the Possession, recommend the adoption of the plan proposed. After hearing Sir William MacGregor's arguments and after very full consideration I now beg to state that the Government are prepared to agree to all the islands and reefs north of the line which I have above described being transferred to British New Guinea and I would accordingly request Your Excellency to be good enough to make representations to the Secretary of State with a view to securing the necessary amendment of the Order in Council already passed on the subject. If this can be done sufficiently soon the Government will undertake to submit to Parliament during next Session a Bill consenting to the alteration.

I have the honour to be,

My Lord,

HIS EXCELLENCY

THE RIGHT HONOURABLE

LORD LAMINGTON, K.C.M.G.

Your Excellency's most obedient, humble

Servant,

Hugh M. Nelson.

B9 Queensland. Boundaries. Order in Council directing that certain islands and reefs to the northward of Queensland shall become part of the possession of British New Guinea¹

At the Court at Windsor, the 19th day of May, 1898

PRESENT:

The Queen's Most Excellent Majesty
Lord Chancellor.
Lord President.
Lord Balfour of Burleigh.

Whereas by the Colonial Boundaries Act, 1895,* it is provided as follows:--

"Where the boundaries of a Colony have, either before or after the passing of this Act, been altered by Her Majesty the Queen by Order in Council or Letters Patent the boundaries as so altered shall be, and be deemed to have been from the date of the alteration, the boundaries of the Colony. Provided that the consent of a self-governing Colony shall be required for the alteration of the boundaries thereof."

And whereas Her Majesty is desirous of further altering the boundary of the self-governing Colony of Queensland in such manner that certain islands (and reefs) which are now attached to that Colony shall become part of Her Majesty's Possession of British New Guinea.

Now, therefore, Her Majesty, by virtue and in exercise of the powers by the Colonial Boundaries Act, 1895,* or otherwise in Her Majesty vested is pleased by and with the advice of Her Privy Council to order, and it is hereby ordered, as follows:--

1. So soon as the Colony of Queensland shall, through its Legislature,² have consented to the alteration of the boundary of the Colony as herein described the boundary of Queensland to the Northward shall be as follows:--

The boundary line shall run from a point on the existing boundary three miles S.E. from Bramble Cay by a line bearing S.55° W. (true) to a point midway between Pearce Cay and Dalrymple Island; thence by the centre of Moon Pass in Warrior Reef and by a line bearing S.88° W. (true) passing three miles S. of Turnagain and Deliverance Islands (Westerly); thence W. by S. (true) to the meridian of 138° of E. longitude.

¹ Great Britain, Statutory Rules and Orders, 1898, pp.850-1.

² The Queensland government failed to act upon the matter before the establishment of the Commonwealth of Australia in 1901.

2. The islands and reefs lying to the Northward of the boundary as thus altered shall thenceforth become and be part of Her Majesty's Possession of British New Guinea.

3. The Order in Council of 29th June, 1896,** whereby the existing boundary of Queensland to the Northward is described, is hereby revoked.

J.H. Harrison.

* 58 & 59 Vict. c.34.

** Printed in Statutory Rules and Orders, 1896, p.488.

B10 A.H. Jiear to the Government Secretary,
Port Moresby¹

COPY.
46/1903.

Resident's Magistrate's Office
DARU
Western Division
7th June, 1903.

Sir,

I have the honour to inform you that for some months past considerable trouble has been engendered in this Division by the actions of natives of Saibai Island in Queensland territory.

2. In order to lead up to the various events in a chronological manner I would refer to a report from the Acting Resident Magistrate at Daru to you No 111/1902 dated 3rd October 1902.

In this report the Acting Resident Magistrate clearly describes cases of distinct breaches of laws of this Possession, such as the use of firearms by natives of Saibai Island, while in our territory, and also a case of intimidation on a weak tribe on [sic] this Division.

I would especially wish to direct your attention to the reply to this report (see letter No 443 dated 21st October 1902. from Government Secretary to Acting Resident Magistrate Wes: Div:) inasmuch as it shows that natives of Saibai can come into our territory, commit any offence, and provided they escape over the boundary line - which is only one and a half miles from our shore - the authorities here are helpless, and the unfortunate natives of British New Guinea have no redress, and can receive no compensation for any losses they may have suffered.

3. I would also draw your attention to my letter to you No 136/1902. dated 1st December 1902 - see paragraph marked MABUDUAN.

Your reply to this report No 518 dated 31st December 1902, states His Honour the Chief Judicial Officer expresses a doubt as to whether we can legally prevent the Saibai natives coming into the Possession but the Government Resident at Thursday should be informed of the trouble they cause.

This course was taken and a letter on the subject was sent by me to the Honourable John Douglas C.M.G. Government Resident at Thursday Island and which letter - as is also one on the same subject sent by the Acting Resident Magistrate in 1902 - still remains unacknowledged.

During February last I paid a personal visit to the Government Resident at Thursday Island to lay this matter before him.

Mr Douglas was - as he always has been in these affairs - most sympathetic but pleaded his inability to deal with the offenders at Saibai, owing to having no means of travelling out ~~to~~ the islands.

¹ Commonwealth Archives Office. A 1, 06/5950 (Encl. No.1 in Despatch No.51 of 14 Sept. 1903).

Thus it would appear that no assistance can be given by the Queensland authorities, and consequently these offenders are to be allowed to go on their way committing offences in our territory and escaping punishment.

I would point out that Mr Douglas requested me to visit Saibai and warn the natives there that they would be punished if caught offending in our territory, but as on my one visit to Saibai eighteen months ago for this purpose, the natives treated my remarks with such indifference that it seemed useless to do this. The natives of Saibai are well aware that the Officers of New Guinea cannot interfere with them in their own territory, and treat any warning that may be given them with the greatest indifference and even derision.

4. During the early part of the present year I had reason to believe that intoxicating liquor was being procured by the natives of MAWATTA, a village in this Division[,] who have constant communication with the Saibai natives. As our own natives at this point are only too glad to get the liquor, and shield the persons who supply it, it is difficult to procure any evidence to prove where it comes from.

During the last month the source of supply [sic] was traced to Saibai, and as soon as I was quite satisfied that this was the case, it appeared to me to be my duty to take prompt and sufficient means to prevent a continuance of it.

I have therefore ordered the various chiefs and village constables on the coast to prevent any Saibai natives landing in our territory except they first visit Daru and comply with the regulations of the Quarantine and Customs laws of the Possession.

The Government Resident at Thursday Island was advised of this action immediately it was taken.

It was with the greatest reluctance that I made this order, but it will be readily perceived by you, that much trouble and danger would ensue amongst our natives, if the introduction of liquor, with which we were menaced was allowed to continue.

As I ~~am~~ have already advised you of this action, I am expecting a reply shortly and in the meantime would respectfully suggest that such representation be made to the proper authorities as would ensure the islands of Saibai, DAUAN and BOIGU being placed under the control of the Government of British New Guinea.

I would point out that unless [sic] this is done, the proper control of the actions of the natives of these islands and more particularly those of Saibai, by the Government of Queensland should be insisted on otherwise the present unsatisfactory state of affairs which the Officers of the Government at Daru, with their present powers and authorities are unable to avert, must continue.

The Honourable
The Government Secretary
Port Moresby;

I have the honour to be,
Sir,
Your obedient servant,

(sd) A. H. JIEAR.
R. M. W. D.

B11 Memorandum of Acting Administrator C.S. Robinson
to the Governor-General¹

S. Y. "Merrie England"
Port Hennessy, N.E. Coast
British New Guinea
14th September 1903.

B.N.G.
No.51.

My Lord,

I have the honour to enclose for Your Excellency's information a copy of a Report received from the Resident Magistrate of the Western Division, dated 7th June last on the difficulties encountered in that portion of the Possession owing to the lack of jurisdiction over the natives of Saibai Island, situated 2½ miles from the mainland of British New Guinea.

2. This report and the application of the local Customs and Quarantine Regulations to the natives of Saibai are the outcome of a consultation which the Resident Magistrate Mr Jiear, had with me on the subject on 1st June last, when I visited Daru, but a perusal of Mr Jiear's Report will suffice to indicate the insufficiency of those Regulations to adequately cope with the serious difficulties involved, and the expedients thus adopted can only be a ^{very} slightly ameliorative in their action.

3. Considerable correspondence was exchanged in the past between Sir Wm MacGregor and the Queensland Government on the subject of the readjustment of the marine boundary between the territory of Queensland in Torres Straits and that of British New Guinea, with a view of the inclusion of Saibai and certain other Islands and reefs in the latter; and the Queensland Government, I understand, promised on more than one occasion to take the necessary steps to that end; this Government, however, up to the present has been unsuccessful in inducing a fulfilment of such a promise.

4. I regret that as all the papers are not on board I am unable to furnish Your Excellency with a complete record of correspondence etc., and the matter is of sufficient urgency, I think, to make it undesirable for me to delay communicating with Your Excellency on the subject until my return to Port Moresby. I think however that this Despatch will afford sufficient information for action, and I would request that with the object of saving time, copies of all matter relating hereto should be obtained from Queensland.

5. As far as I have been able to gather Sir Wm MacGregor represented that the marine boundary should be altered to commence from a point where the 9.°35 of latitude traverses 141° longitude and to continue on that parallel of latitude through Moon Passage to a point North of Dalrymple Id, thence to a point 2 miles south of Bramble Cay.

¹ Commonwealth Archives Office. A 1, 06/5950.

6. I am informed that about two years ago Sir G.R. Le Hunte interviewed Sir Hugh Nelson in Brisbane again on the subject of the proposed re-adjustment, and he (Sir Hugh) expressed surprise that the matter had not been accomplished.

7. Before I left Port Moresby at the end of June last, I endorsed a Minute to the Government Secretary, Mr Musgrave that the papers should be resubmitted to me on my return from the North Coast. During my absence, however, on the arrival of Mr Jiear's promised Report, Mr Musgrave addressed a letter to the Under Secretary, Brisbane, a copy of which and of the reply thereto accompany this Despatch. On my return I disapproved of the Government Secretary's action [.]

8. I realize that under the Federal constitution new difficulties of a technical nature may present themselves in the way of a readjustment of the marine boundary between British New Guinea and Queensland.² Nevertheless, in view of the present unsatisfactory *modus vivendi* as disclosed in Mr Jiear's report,³ and of the facts in addition that the laws of Queensland are inadequate to cope with the evils, and that the Queensland Government does not appear to be interested in exercising the slightest control over the natives of Saibai, I strongly urge that in the interests of all the natives concerned, and of this Government, that the redemption of the promise of the Queensland Government, albeit that such promise may have been tentative merely, should be insisted upon.

9. The natives of Saibai rely to a great extent upon the natives of this Possession for their food supply, and it is a matter of impossibility almost, to effectually restrict their intercourse. Most stringent measures and precautions are taken by this Government to prevent the supply of firearms, ammunition and liquor to natives of this Possession, but the natives of Saibai within the Queensland jurisdiction appear to have no difficulty in acquiring all three; they are in the habit of carrying arms, and acts of intimidation upon and thefts from Papuans are not of rare occurrence.

10. This Government, it will be seen, has for some time been vainly endeavouring to the utmost to deal with the evils surrounding the situation, but as will be seen from the Report of the Resident Magistrate, the Saibai natives appear to be well aware of the lack of jurisdiction, and continue to offend with impunity.

11. I trust Your Excellency will see fit to take the necessary steps to remedy the evils to which I have pointed at the earliest opportunity: pending the completion of the matter I would ask that representations should be made to the Queensland Government with the view to the appointment of the Resident Magistrate, Acting Resident Magistrate and Assistant Resident Magistrate, ^{- for the time being -} of the Western Division of British New Guinea to be Police Magistrates of Queensland under "The Justices Act of 1886" [.]

This will enable the Resident Magistrate to exercise some control over the Saibai natives, and they can at any rate be punished under the laws in force in Queensland for prohibiting the supply of liquor to aborigines. The danger in connection with the possession by these natives of firearms however is very real, and should not be allowed to continue.

I have the honour to be,

My Lord,

Your Excellency's most obedient humble servant,

[sgd.] Chris. Robinson
Acting Administrator.

² See S.N.G.B., pp.32-3.

³ Enclosure No.1 in Robinson's Memorandum (see Doc. B.10).

B12 Governor-General's Office to the Secretary,
Department of External Affairs¹

COMMONWEALTH OF AUSTRALIA.

Governor-General's Office
Government House
Melbourne, 11th November, 1904.

MEMORANDUM.

On the 5th October, 1903, the Governor-General forwarded to the Prime Minister a Despatch received from the Acting Administrator of British New Guinea, No.51, dated 14th September, 1903, with respect to the jurisdiction over the natives of Saibai Island. From the records in the Governor-General's Office the matter appears to be still outstanding. Will you kindly inform me if any action has been taken ~~in the matter?~~ thereon.

[sgd.] E.W. Steward
Official Secretary.

The Secretary,
Department of External Affairs.

¹ Commonwealth Archives Office. A 1, 06/5950.

B13 Governor-General's Office to the Secretary,
Department of External Affairs¹

COMMONWEALTH OF AUSTRALIA.

Governor-General's Office
Melbourne,
25th May, 1906.

Memorandum.

The Secretary,
Department of External Affairs.

On the 11th November, ¹⁹⁰⁴last, I brought under your notice that on the 5th October, 1903, the Governor-General forwarded to the Prime Minister a Despatch received from the Acting Administrator of British New Guinea, No.51, dated 14th September, 1903, with respect to the jurisdiction over the natives of Saibai Island. No reply was received to the above mentioned memorandum. I shall be glad if you will be kind enough to inform me how the matter now stands.

[sgd.] E. W. Steward
Official Secretary.

¹ Commonwealth Archives Office. A 1, 06/5950.

B14 Alfred Deakin to William Kidston¹

P.M. 06/

Melbourne, 6th August, 1906.

Sir,

I have the honour to inform you that the question of the status of the Islands of Saibai, Boigu, and Dauan, which, though adjacent to British New Guinea, are included within the boundaries of the State of Queensland, has been again under consideration.

2. It will be remembered that on the 19th May, 1898, an Imperial Order-in-Council was passed providing that so soon as the Colony of Queensland, through its legislature, had consented, the boundary of that Colony should be altered so as to exclude the Islands named from Queensland, and add them to the Possession of British New Guinea.² No action was taken by the Parliament of Queensland and the position has since been materially altered by the establishment of the Commonwealth.

3. The Attorney General has now advised that two courses are open, first, to request the Imperial Government to revoke the Order-in-Council mentioned, and substitute a new Order-in-Council altering the boundaries of the Commonwealth, and then to obtain the approval of the Commonwealth Parliament to the alteration; second, that the Parliament of Queensland should, under section 111 of the Constitution, surrender the Territory in question to the Commonwealth, which could accept it, and then, under the Colonial Boundaries Act, it could be taken out of the Commonwealth and added to Papua.

4. The difficulties in administration caused by the fact that these Islands are under different control from that of the adjacent mainland have been pointed out on various occasions both by the Queensland and New Guinea authorities as will appear from correspondence in your office included in which is a file forwarded to the Under Secretary, Chief Secretary's Office, Brisbane, by the Government Secretary of British New Guinea on the 21st July, 1903, to which I would particularly invite your attention as disclosing the necessity for action being taken to remedy the existing condition of affairs.

5. As the possession of the Islands would appear to be of little value to your State, I trust that you will be able to see your way to acquiesce in their transfer. If you do, I shall be

¹ Commonwealth Archives Office. A 1, 06/5950. Alfred Deakin headed the Deakin Ministry (1905-7); William Kidston was Premier and Government Secretary of Queensland (1906-7, 1908-11).

² See Doc. B.9.

pleased if you will indicate which of the alternative courses mentioned by the Attorney General meets with your approval.

I have the honour to be,
Sir,
Your most obedient Servant,

[sgd.] ALFRED DEAKIN.

The Honourable
The Premier of Queensland,
BRISBANE.

B15 William Kidston to Alfred Deakin¹

Chief Secretary's Office,
Brisbane, 28th August, 1906.

Sir,

I have the honour to acknowledge the receipt of your letter of the 6th instant, regarding the status of the Islands of Saibai, Boigu, and Dauan, and to inform you that the question which you have revived concerning them will receive consideration.

I have the honour to be,
Sir,
Your most obedient Servant,

[sgd.] W. Kidston.

The Honourable
The Prime Minister of the Commonwealth.
Melbourne.

¹ Commonwealth Archives Office. A 1, 06/5950.

B16 A.P. Lyons to the Government Secretary,
Port Moresby¹

No.N:A/147/19

The Honourable,
The Government Secretary,
PORT MORESBY.

TERRITORY OF PAPUA
Resident Magistrate's Office, W.D.
Daru, 27th June, 1919

Re incorporation of Saibai &c in Territory of Papua

With reference to your letters Nos. 634/A/315 of the 3rd May, 1918 and 976/A.315 of the 21st May, 1919, and in response to His Excellency's request, I shall endeavour to furnish reasons why Saibai, Dauan, Boigu as well as other islands adjacent thereto, and to our coast, should be incorporated in our Territory.

By an Act. No. 43. Vic. No. 1, passed by the Queensland Parliament in June, 1879, provision was made for annexing certain islands lying between Cape York and the New Guinea Coast, and as set out in the Schedule to that Act, which annexation was made by proclamation published in the Queensland Govt. Gazette of the 21st July, 1879. This annexation preceded Commodore Erskine's proclamation of a British Protectorate over New Guinea of 1884, by five years. By a proclamation, dated Brisbane the 24th October, 1883, and signed by Thomas McIlwraith, it is evident that it was then thought possible that the "Territory of New Guinea" might be annexed to Queensland, and a fear was entertained that some undesirable persons might take possession of that Territory, or at any rate, land included therein, so it is reasonable to think that that fear existed when all islands in Torres Straits and right up to the New Guinea coast, were annexed. It is also reasonable to suppose that had the "New Guinea Territory" been proclaimed a British Protectorate before 1879, the necessity of for Q'land annexing islands legitimately within the sphere of the Territory, would not have been apparent. With a well established Government in British or in fact Australian, interests, as is the case at present in Papua, the necessity for the retention by Q'land is not apparent either.

Geographically, the islands forming the Talbot group, which are situated at the mouth of the Wassi Kussa River, Boigu Island and the adjacent islets of Aubusi and Moimi, Dauan island, and Saibai Island and its adjacent islet of Kanamag, belong to New Guinea, for from its shores the Talbots lie within one mile, Boigu less than 4 miles, Dauan less than [sic] 6 miles, and Saibai less than 3 miles. Dauan is less than [sic] 3 miles from Saibai. The nearest Queensland territory to any of these islands are the small, low and isolated islands of Deliverance and Turnagain which lie from 15 to 20 miles to the South. These two islands in their turn are separated by from 20 to 30 miles from either island groups clustered

¹ Commonwealth Archives Office. CP 1 (Territory), Series 35/198.

around about Cape York, and other groups to the Eastward. The accompanying plan, which is copied from the Q'land Survey Dept's map of Torres Straits Islands, will better illustrate the isolated condition of the islands sought to be made part of our Territory.²

Saibai, Dauan and Boigu only, are inhabited by natives, who are few in numbers. These people are, from the best information I can obtain, descendants of New Guinea mainlanders, and they have maintained constant intercourse with the mainlanders for many years, depending on them for much of their food supplies, and for their thatching &c. Civilizing influences have led the islanders to adopt fishing as a means of livelihood and as a source of revenue, and they are in constant touch with the white, yellow and black races, whose representatives are to be met with in Torres Straits, and at Thursday Island. In this way, they are liable to be made vehicles for conveying foreign diseases contracted from other races, to our shores. Notwithstanding the imposition of restrictions to govern visits by the islanders to our shores, and the presence - up to about a year ago - of an European representative of the Q'land Govt, surreptitious visits have been made to the mainland, so the incorporation of the islands in our Territory would allay any further anxiety on this score.

From an administrative point of view, these islands could be more effectively administered from Daru than from Thursday Island, on account of being much nearer to Daru.

The inclusion of these islands in the Territory of Papua could not affect the interests of any industry established in Queensland, neither would it materially affect the interests of the islanders who could still pursue their work in Torres Straits, though perhaps with limitations.

So as not to affect the Q'land fishing industry, the Ex[tra?] Territorial boundary of Q'land could be altered as shown in red in the accompanying plan, that is to say, extend the line from Deliverance Island to Turnagain Island and onwards to where it meets the 143rd meridian, then northwards along that meridian to where it is intersected by the present boundary line, then Eastward along the present boundary line to Bramble Cay.

[sgd.] A.P. Lyons.

Resident Magistrate. W.D.

² The accompanying plan is not reproduced here. See, however, S.N.G.B., Fig.4 which indicates that this plan conforms closely to that advanced by Sir Samuel Griffith in 1893 (see Doc. B.3).

C The Anglo-German Boundary, 1885-1909

C1 Arrangement between Great Britain and Germany
relative to their respective spheres of action in
portions of New Guinea¹

No.1 - Earl Granville to Count Münster

M. l'Ambassadeur,

Foreign Office, April 25, 1885.

IN the note which I did myself the honour to address to you on the 16th ultimo, I stated that Her Majesty's Government were disposed to suggest that the boundary between the British and German Protectorates in New Guinea should be, on the north-eastern coast, the point of intersection of the 8th parallel of south latitude, and that, as regards the interior, a fair and equal division of the territories should be arrived at by means of a conventional line or lines, to be drawn from the coast boundary to some point on the 141st meridian of east longitude, which divides the Dutch possessions from the rest of the island.

Her Majesty's Government are now prepared to propose a line which will, in their opinion, answer to these conditions. It would run as follows:-

Starting from the coast near Mitre Rock on the 8th parallel of south latitude, it would follow that parallel until it is intersected by the meridian of 147° east longitude; would proceed thence in a straight line in a north-westerly direction to the point of intersection of the 6th parallel of south latitude, with the 144th meridian of east longitude, and would continue thence in a west-north-westerly direction until it meets the point of intersection of the 5th parallel of south latitude with the 141st meridian of east longitude.

This line would give an area on the German side of about 67,000 square miles, on the English side of about 63,000, square miles,² and would nearly approach the water-parting line, or natural boundary.

I should be glad to hear from your Excellency whether it would be considered by the German Government to be a satisfactory frontier.

I have, &c.,

Count Münster

GRANVILLE.

¹ Great Britain, Foreign Office. British and Foreign State Papers, 1884-5, Vol.LXXVI (London, 1892), pp.66-8.

² The Annual Report of the Territory of Papua for 1962-3 (p.13) gives 90,540 square miles as the size of the Territory.

No.2 - Count Münster to Earl Granville. -- (Received April 29.)

(Translation.)

My Lord,

German Embassy, London, April 29, 1885.

I HAVE the honour to acknowledge the receipt of your note of the 25th instant, in which, with reference to the contents of your Excellency's note of the 16th ultimo, the proposal of Her Majesty's Government with regard to the settlement of the boundaries of the German and British Possessions in New Guinea is communicated.

This proposal is to the effect that the point on the north-east coast of New Guinea, where the 8th parallel of south latitude cuts the coast, should form the boundary, and that the line described as under should determine the boundaries inland of the respective territories.

Starting from the coast in the neighbourhood of Mitre Rock on the 8th parallel of south latitude, and following this parallel to the point where it is cut by the 147th degree of east longitude, then in a straight line in a north-westerly direction to the point where the 6th parallel of south latitude cuts the 144th degree of east longitude, and continuing in a west-north-westerly direction to the point of intersection of the 5th parallel of south latitude, and of the 141st degree of east longitude.

Having submitted the above proposal for regulating the boundary to my Government, I am empowered to announce the acceptance of it on the part of the Imperial Government.

I have, &c.,

Earl Granville

MÜNSTER.

C2 Declaration between the governments of Great Britain
and the German Empire relating to the demarcation
of the British and German spheres of influence in
the Western Pacific¹

Signed at Berlin, April 6, 1886.

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the German Emperor, having resolved to define the limits of the British and German spheres of influence in the Western Pacific;

The Undersigned, duly empowered for that purpose, viz.:-

1. Sir Edward Baldwin Malet, Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary;

2. Count Herbert Bismarck, His Imperial Majesty's Under-Secretary of State for Foreign Affairs;

have agreed, on behalf of their respective Governments, to make the following Declaration:-

1. For the purpose of this Declaration, the expression "Western Pacific" means that part of the Pacific Ocean lying between the 15th parallel of north latitude and the 30th parallel of south latitude, and between the 165th meridian of longitude west and the 130th meridian of longitude east of Greenwich.

2. A Conventional line of demarcation in the Western Pacific is agreed to, starting from the north-east coast of New Guinea, at a point near Mitre Rock, on the 8th parallel of south latitude, being the boundary between the British and German Possessions on that coast, and following that parallel to point A, and thence continuing to points B, C, D, E, F, and G, as indicated in the accompanying Charts, which points are situated as follows:-

A. 8° south latitude, 154° longitude east of Greenwich.

B. 7° 15' south latitude, 155° 25' east longitude.

C. 7° 15' south latitude, 155° 35' east longitude.

D. 7° 25' south latitude, 156° 40' east longitude.

E. 8° 50' south latitude, 159° 50' east longitude.

F. 6° north latitude, 173° 30' east longitude.

G. 15° north latitude, 173° 30' east longitude.

The point A is indicated on the British Admiralty Chart 780, Pacific Ocean (South-west sheet); the points B, C, D, and E are indicated on the British Admiralty Chart 214 (South Pacific Solomon Islands); and the points F and G on the British Admiralty Chart 781, Pacific Ocean (North-west sheet).*

* The points indicated in this paragraph are shown in the Map annexed [see S.N.G.B., Fig.2]. Copies of the original Charts annexed to the Declaration have been deposited in the Library of the House of Commons for reference.

¹ Great Britain, House of Commons. Sessional Papers, Vol.LXXIII (1886), C.-4656 (Western Pacific, No.1, 1886). The English and German appear side by side in the original document.

NACHDEM die Regierung Ihrer Majestät der Königin des Vereinigten Königreichs von Grossbritannien und Irland und die Regierung Seiner Majestät des Deutschen Kaisers beschlossen haben, eine Abgrenzung der englischen und deutschen Machtsphären im Westlichen Stillen Ocean vorzunehmen, haben die mit Gehöriger Vollmacht versehenen Unterzeichneten:-

1. Sir Edward Baldwin Malet, Ausserordentlicher und Bevollmächtigter Botschafter Ihrer Britischen Majestät;

2. Der Graf H. von Bismarck, Unterstaatssekretair des Auswärtigen Amts Seiner Kaiserlichen Majestät;

namens ihrer Regierungen die nachstehende Erklärung vereinbart:-

1. In dieser Erklärung ist unter dem Ausdruck "Westlicher Stiller Ocean" der Theil des Stillen Ocean zu verstehen, welcher zwischen dem 15ten Grad Nördlicher Breite und dem 30sten Grad Südlicher Breite, und zwischen dem 165sten Längengrad westlich und dem 130sten Längengrad oestlich von Greenwich liegt.

2. Es wird eine Demarkationslinie in dem Westlichen Stillen Ocean vereinbart, ausgehend von einem Punkt in der Nähe von Mitre Rock an der Nordost-Küste von Neu-Guinea unter dem achten Grad Südlicher Breite, welcher die Grenze zwischen den britischen und deutschen Besitzungen an jener Küste bildet, und diesem Breitenparallel folgend bis zum Punkt A und von da weiter zu den Punkten B, C, D, E, F, und G, wie auf den beifolgenden Karten angegeben ist; welche Punkte folgende Lage haben:-

- A. 8° Südlicher Breite, 154° Oestl. Länge von Greenwich.
- B. 7° 15' Südl. Breite, 155° 25' Oestl. Länge.
- C. 7° 15' Südl. Breite, 155° 35' Oestl. Länge.
- D. 7° 25' Südl. Breite, 156° 40' Oestl. Länge.
- E. 8° 50' Südl. Breite, 159° 50' Oestl. Länge.
- F. 6° Nördl. Breite, 173° 30' Oestl. Länge.
- G. 15° Nördl. Breite, 173° 30' Oestl. Länge.

Der Punkt A ist bezeichnet auf der britischen Admiralitäts-Karte 780, "Pacific Ocean" (South-west sheet); die Punkte B, C, D, und E sind bezeichnet auf der britischen Admiralitäts-Karte 214 ("South Pacific Solomon Islands"); und die Punkte F und G auf der britischen Admiralitäts-Karte 781 "Pacific Ocean" (North-west sheet).

3. Germany engages not to make acquisitions of territory, accept Protectorates, or interfere with the extension of British influence, and to give up any acquisitions of territory or Protectorates already established in that part of the Western Pacific lying to the east, south-east, or south of the said Conventional line.

4. Great Britain engages not to make acquisitions of territory, accept Protectorates, or interfere with the extension of German influence, and to give up any acquisitions of territory or Protectorates already established in that part of the Western Pacific lying to the west, north-west, or north of the said Conventional line.

5. Should further surveys show that any islands, now indicated on the said Charts as lying on one side of the said Conventional line, are in reality on the other side, the said line shall be modified so that such islands shall appear on the same side of the line as at present shown on the said Charts.

6. This Declaration does not apply to the Navigator Islands (Samoa), which are affected by Treaties with Great Britain, Germany, and the United States; nor to the Friendly Islands (Tonga), which are affected by Treaties with Great Britain and Germany; nor to the Island of Niue (Savage Island), which groups of islands shall continue to form a neutral region; nor to any islands or places in the Western Pacific which are now under the sovereignty or protection of any other civilized Power than Great Britain or Germany.

Declared and signed in duplicate at Berlin, this sixth day of April one thousand eight hundred and eighty-six.

(L. S.) EDWARD B. MALET.

(L. S.) Graf BISMARCK.

3. Deutschland verpflichtet sich weder Gebietserwerbungen zu machen, noch Schutzherrschaften anzunehmen, noch der Ausdehnung des britischen Einflusses entgegenzutreten, und alle früheren Gebietserwerbungen oder Schutzherrschaften aufzugeben, in demjenigen Theil des Westlichen Stillen Ocean, welcher im Osten, Süd-Osten oder Süden von der erwähnten Theilungslinie liegt.

4. Grossbritannien verpflichtet sich, weder Gebietserwerbungen zu machen, noch Schutzherrschaften anzunehmen, noch der Ausdehnung des deutschen Einflusses entgegenzutreten, und alle früheren Gebietserwerbungen oder Schutzherrschaften aufzugeben, in demjenigen Theil des Westlichen Stillen Ocean, welcher im Westen, Nord-Westen oder Norden von der erwähnten Theilungslinie liegt.

5. Wenn fernere Vermessungen ergeben sollten, dass irgend welche Inseln, die jetzt auf den erwähnten Karten als auf der einen Seite der bezeichneten Theilungslinie liegend angegeben sind, in Wirklichkeit auf der andern Seite liegen, so wird die bezeichnete Linie so geändert werden, dass solche Inseln auf derselben Seite der Linie erscheinen, auf welcher sie gegenwärtig auf den erwähnten Karten angegeben sind.

6. Diese Erklärung findet keine Anwendung auf die Schiffer-Inseln (Samoa) mit welchen Grossbritannien, Deutschland und die Vereinigten Staaten Verträge abgeschlossen haben; noch auf die Freundschafts-Inseln (Tonga), mit welchen Grossbritannien und Deutschland Verträge abgeschlossen haben, noch auf die Niué-Insel (Savage Insel), welche Inselgruppen noch wie vor ein neutrales Gebiet bilden sollen; noch auf irgend welche Inseln oder Plätze im Westlichen Stillen Ocean, welche jetzt unter der Souveränität oder dem Schutz irgend einer anderen civilisirten Macht ausser Grossbritannien oder Deutschland, stehen.

In doppelter Ausfertigung vollzogen zu Berlin, den sechsten April Eintausend Achthundert und Sechs und Achtzig.

(L. S.) EDWARD B. MALET.

(L. S.) Graf BISMARCK.

C3 Sir William MacGregor to Lord Lamington.
Despatch recommending that the Gira River
be made the boundary between German and
British New Guinea¹

No.49.]

Samarai, 10th July, 1897.

My Lord, -I have the honour to transmit herewith a traverse of the Gira River, plotted by Mr. Cameron from notes and observations made by him and myself during the recent examination of that river.

It will be noticed at once that the principal mouth of the Gira opens into the sea in German territory. Of this we were practically aware from the first, but in the earlier cursory astronomical observations some margin was left to avoid all appearance of encroachment on our neighbours. The position of the mouth of the river has now been determined with much greater scientific accuracy, so that for all ordinary practical purposes it may be accepted as sufficiently correct.

In round numbers it may be said that the mouth of the river lies two-thirds of a mile north of the boundary line - the eighth degree of south latitude.

After proceeding through swampy land for about a mile, the river enters British territory, to again project a small loop, three or four miles from the sea, slightly across the boundary; it then follows a south-westerly course to the highest point to which I could venture to take my boat - more than fifteen geographical miles inside this Possession, and in longitude E. 147° 44'.

2. From what precedes it will be gathered that a rigorous exercise of territorial rights would make the navigable part of the Gira useless to both Kaiser Wilhelms-land and to British New Guinea. I respectfully wish to propose an arrangement that would make the river free for navigation purposes to both. It is quite clear that any steps taken by one of the Governments to settle the tribes of this district will be advantageous to the other Government. Up to the present time the relations subsisting between the Government authorities on the two sides of the boundary have been of so friendly and neighbourly a character that each has been very glad to assist the other in any way possible. If this question is now approached in the same neighbourly spirit, there will be no difficulty in arriving at a satisfactory arrangement.

3. I would suggest that the middle of the bed of the river be the boundary of the two colonies, from the sea to the most westerly point at which the river last crosses the eighth degree of latitude before entering into British territory. From that point the boundary would proceed along the eighth degree as it does now. The loss or gain of the small portion of useless land thus transferred from one side to the other would be of no importance to either. The navigation of the river should then be left free to both colonies, it being understood, however, that a citizen of the one could not trade, or settle, or exercise any calling in the territory of the other without complying with its laws in all particulars. It might be thought

¹ Annual Report on British New Guinea, 1896-7, Appendix J, pp.39-40.

sufficient to limit the right of the German colony to navigate the river up to the point where it last crosses the boundary; but seeing that the presence of German settlers or authority in the district would be of some advantage to us, and that a fuller use of the river might be of advantage to them, it seems to me to be best to adopt the more neighbourly course of making the navigation of the river free to both as far as it is navigable.

4. I trust that your Lordship may be able to join with me in calling the attention of the Secretary of State to this question, with the request that, if he sees no objection to the proposal, he may cause it to be submitted to the Imperial German authorities for consideration. As the technical details of this adjustment may occupy some time after the acceptance of the principles, I would suggest that, if the latter are adopted, the free navigation of the river might at once begin from that date.

I have, &c.,

WM. MACGREGOR.

His Excellency The Right Honourable Lord Lamington, K.C.M.G., &c., &c., &c.

C4 Convention and Declaration between Great Britain and Germany for the settlement of the Samoan and other questions¹

[Ratifications exchanged at London and Berlin, February 16, 1900.]

THE Commissioners of the three Powers concerned having in their Report of the 18th July last expressed the opinion, based on a thorough examination of the situation, that it would be impossible effectually to remedy the troubles and difficulties under which the Islands of Samoa are at present suffering as long as they are placed under the joint administration of the three Governments, it appears desirable to seek for a solution which shall put an end to these difficulties, while taking due account of the legitimate interests of the three Governments.

Starting from this point of view the Undersigned, furnished with full powers to that effect by their respective Sovereigns, have agreed on the following points:--

...
II. ...[Germany] recognizes as falling to Great Britain those of the Solomon Islands, at present belonging to Germany, which are situated to the east and south-east of the Island of Bougainville, which latter shall continue to belong to Germany, together with the Island of Buka, which forms part of it....

...
IV. The arrangement at present existing between Germany and Great Britain and concerning the right of Germany to freely engage labourers in the Solomon Islands belonging to Great Britain shall be equally extended to those of the Solomon Islands mentioned in Article II, which fall to the share of Great Britain.

...
VIII. The present Convention shall be ratified as soon as possible, and shall come into force immediately after the exchange of ratifications.

In witness whereof the Undersigned have signed it, and have affixed thereto their seals.
Done in duplicate at London, the 14th day of November, 1899.²

(L. S.) Salisbury.

(L. S.) P. Hatzfeldt.

¹ Hertslet's Commercial Treaties, Vol. XXI (London, 1901), pp. 1178-80. Only the relevant articles are given here.

² Signed also in the German language.

DECLARATION

It is clearly understood that by Article II of the Convention signed to-day, Germany consents that the whole group of the Howe Islands, which forms part of the Solomon Islands, shall fall to Great Britain.

It is also understood that the stipulations of the Declaration between the two Governments signed at Berlin on the 10th April, 1886,³ respecting freedom of commerce in the Western Pacific, apply to the islands mentioned in the aforesaid Convention.

It is similarly understood that the arrangement at present in force as to the engagement of labourers by Germans in the Solomon Islands permits Germans to engage those labourers on the same conditions as those which are or which shall be imposed on British subjects non-resident in those islands.

Done in duplicate at London, the 14th November, 1899.

(L. S.) Salisbury.

(L. S.) P. Hatzfeldt.

³

This is the companion Declaration of the one relating to the demarcation of British and German spheres of influence in the Western Pacific (Doc. C.2).

C5 Proclamation by the High Commissioner for the Western Pacific, declaring a British protectorate over Choiseul, Ysabel, Shortland Island, Fauro, Tasman Group, Lord Howe's Group, and Gower Island¹

BY His Excellency Sir George Thomas Michael O'Brien, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Her Britannic Majesty's High Commissioner for the Western Pacific.

(L. S.) G. T. M. O'Brien

It is hereby notified that the jurisdiction of Her Britannic Majesty's High Commissioner's Court for the Western Pacific, and the provisions of Her Britannic Majesty's Order in Council, 1893, and of such of the Queen's Regulations made in accordance therewith as apply to the Protectorate of the British Solomon Islands, are extended to all persons residing or being within the limits of the islands to the east and south-east of the Island of Bougainville, and formerly included in the Protectorate of the German Solomon Islands which were transferred to Great Britain by the Convention between Great Britain and Germany, signed at London on the 14th November, 1899, that is to say:--

Choiseul, and the small islands depending thereon;

Ysabel, and the small islands depending thereon, including Ramos and St. George;

Shortland Island, and the small islands adjacent and depending thereon, viz., Morgusaia, Alu, Porporang, Faise, Onua, and Ballale;

Fauro Island, and the small islands adjacent and depending thereon, viz., Oema Island and Atoll, Ovau, Asie, Illina, Nusave, Niellei, Nusakoa, Benana, Nufahana, Munia, Piedu, Masamasa, and Cyprian Bridge;

The Tasman Group, or Niumano Atoll, comprising the Islands of Niumano, Loto, and thirty-seven others;

The Leueneuwa Islands, otherwise known as Ontong Java or Lord Howe's Group, and comprising the Islands of Palav, Oikuo, Uailoko, Ouku, Leueneuwa, Engaulii, Lehuanu, Nee, Akoo, Ekolo, Makamea, Toukoua, Kalau, and all other islands situated upon or within the aforesaid reef, and also the reef known as El Roncador, or Candelaria Reef; and

Gower, otherwise known as Inattendue Island;

And that henceforth these islands will form part of the Protectorate of the British Solomon Islands.

Whereof let all men take notice, and govern themselves accordingly.

By Command.

M. King, Secretary

Office of the High Commissioner for the Western Pacific,
Suva, Fiji, October 6, 1900.

¹ Hertslet's Commercial Treaties, Vol. XXIII (London, 1905), pp. 800-1.

C6 Exchange of Notes between Great Britain and Germany relating
to the re-delimitation of the British and German spheres
of influence in the Western Pacific¹

No.1. -- The Marquess of Lansdowne to Count Metternich

YOUR EXCELLENCY,

Foreign Office, March 7, 1904.

I HAD the honour to receive your Excellency's note of the 23rd February, 1903, respecting the re-delimitation of the British and German possessions in the Western Pacific. Your Excellency stated that the German Government agreed in the proposed alteration in the description of point (d) in Article II of the draft Agreement, and suggested some small amendments in other parts of the draft.

I have the honour to inform you that His Majesty's Government agree to the additional changes proposed in your note, and I beg to inclose a printed copy of the English and German texts of the Agreement, in which the amendments and alterations concurred in by both parties have been embodied.

On receiving from your Excellency an acknowledgment of this note His Majesty's Government will consider the inclosed text as accepted and binding.

I have, &c.,

Lansdowne.

Inclosure in No.1

[English version.]

I. -- On the basis of the Anglo-German Agreement regarding Samoan and other questions, dated the 14th November, 1899 - Article 2, section 3 - the line of demarcation mentioned in Article 2 of the Declaration respecting the demarcation of the German and British spheres of influence in the Western Pacific, dated the 6th April, 1886, shall be altered as follows:-

The new line of demarcation runs from point A in the above-mentioned Article 2 of the Declaration of the 6th April, 1886, to points (b), (c), (d), (e), (f), (g), and (h), as given in the accompanying maps, which points have the following positions:-

- A. 8° south latitude; 154° east of Greenwich.
- (b) 6°55'30" south latitude; 155°35' east of Greenwich.
- (c) 6°55'30" south latitude; 155°42'30" east of Greenwich.
- (d) 6°51' south latitude; 155°54'30" east of Greenwich.
- (e) 6°41' south latitude; 156°2' east of Greenwich.

¹ Hertslet's Commercial Treaties, Vol. XXIV (London, 1907), pp. 474-6.

- (f) $6^{\circ}38'$ south latitude; $156^{\circ}2'$ east of Greenwich.
- (g) $4^{\circ}50'$ south latitude; 159° east of Greenwich.
- (h) $4^{\circ}50'$ south latitude; about $163^{\circ}34'$ east of Greenwich.

Points (b), (c), (d), (e), (f) are marked on the British Admiralty Chart No. 329 (South Pacific, Solomon Islands, and Bougainville Strait), and point (g) is marked on the German Admiralty Chart No. 100 (Pacific Ocean, New Guinea [eastern portion], Kaiser Wilhelmsland, Bismarck Archipelago, and Solomon Islands). Point (h) is identical with that point in which the parallel $4^{\circ}50'$ south latitude cuts the line of demarcation mentioned in Article 2 of the Declaration of the 6th April, 1886, between points E. ($8^{\circ}50'$ south latitude; $159^{\circ}50'$ east of Greenwich) and F. (6° north latitude; $173^{\circ}30'$ east of Greenwich).

II. -- In case more accurate astronomical observations in the region represented on the said British Admiralty Chart No. 329 (Bougainville Strait) shall effect a shifting of the geographical positions of the coast-lines, the two Governments hereby agree in advance that for the fixing of the frontier points (b), (c), (d), (e), and (f) on the maps the following bearings of the said points shall hold good in relation to the neighbouring coast-points, while the provisions of Article 1 on the subject shall lapse:

Point (b) lies 8 nautical miles S. 69° W. true from Komaleai Point, as marked on the map referred to.²

Point (c) lies 3 nautical miles south true from Komaleai Point.²

Point (d) lies 3 nautical miles south true from the southern point of the Peninsula, which bounds the harbour of Tonolai on the east.

Point (e) lies 4 nautical miles N. $70^{\circ}30'$ E. true from Cape Friendship.

Point (f) lies 6 nautical miles N. 42° E. true from Cape Friendship.

No. 2 -- Count Bernstorff [sic] to the Marquess of Lansdowne

(Translation)

MY LORD,

German Embassy, London, May 9, 1904.

I DULY brought to the knowledge of the Imperial Government the contents of your Excellency's note of the 7th March last respecting the new boundary delimitation of the German and English possessions in the Solomon group.

Acting under orders of the Imperial Government, I have the honour to acknowledge herewith the receipt of that note.

I have, &c.,

J. Bernstorff.

² This stipulation makes sense only if the edition of the map employed at that time is used. See S.N.G.B., p.39 and Fig.7.

C7 British New Guinea: Negotiations for making Gira River free for navigation¹

[Dept. of External Affairs, Minute Paper. 12 June 1906 and 2 November 1908.]

In July of 1897 Sir William MacGregor suggested that the boundary between British and German New Guinea should be altered so that the middle of the Gira River be fixed as the boundary from the sea to the most westerly point at which the river last crosses the 8th degree of latitude before entering into British territory, from that point the boundary to proceed along the eighth degree as heretofore. It was further suggested that the navigation of the river should be free to both colonies as far as it was navigable.²

The proposition was referred to the Imperial authorities. The Foreign Office, in replying on 31/1/98, pointed out that the adoption of Sir William MacGregor's proposal would necessitate a rectification of the boundary laid down in the Anglo-German Agreement of April, 1885, which was specified in the Charter granted by the German Emperor to the German New Guinea Company, and also forms the starting point of the conventional line of demarcation in the Western Pacific as laid down in the Declaration of April, 1886, defining the British and German spheres of influence. As an alternative it was suggested that the object sought might be attained by means of an understanding that the navigation of the river should be free to the merchant flag of both Powers through whose territories it flows.

It was suggested that His Majesty's Ambassador at Berlin should be instructed to lay the whole matter before the German Government and propose, as alternative courses, (1) either an alteration of the boundary, or (2) an understanding that the navigation of the Gira River should be free to the merchant flag of both Powers.

The despatch of the Foreign Office was referred to Sir William MacGregor, who after consideration adhered to his original opinion that it would be better to secure, if possible, an alteration of the boundary line. If, however, this could not be arranged, the Lieutenant-Governor thought that the proposal to make the River free to the merchant flag of both nations - provided that Merchant Flag would cover Armed Constabulary, Government Officers, miners, etc. - would meet the chief requirements. Sir William MacGregor urged that the matter should be settled as soon as possible.

The British Ambassador at Berlin, acting on instructions from the Foreign Office, laid the whole matter before the German Government, and proposed as alternatives the courses mentioned above.

The German Government pointed out that, of the two proposals, the New Guinea Company, exercising sovereign rights in German New Guinea, inclined to the one by which, without altering the boundary line, the free navigation of the Gira was granted to the vessels owned by the subjects of both States, as well as to those of their respective Governments.

¹ Commonwealth Archives Office. A 1, 14/4329.

² See Doc. C.3.

In view of the undeveloped state of the region in question the Company recommended that only a provisional agreement should be concluded.

The German Foreign Office were on the 2nd February, 1899, ready to come to an understanding in the above sense, which it was thought might be effected by means of a simple exchange of notes, and might in the first instance extend over a period of two years from the 1st April, 1899.

Mr Chamberlain, in acknowledging this intimation, informed Lord Salisbury that unless he was aware of any objection the counter-proposal of the German Government should be accepted, and that an agreement should be made for two years.

Mr Chamberlain asked to be given an opportunity of reading the Agreement in draft form before it was presented to the German Government,

Although the British Ambassador was instructed in this sense on the 24th October, 1899, the correspondence does not show that the negotiations were ever completed.

In a despatch dated the 26th July, 1899, Sir George Le Hunte expressed the opinion that the best interests of both Governments would be conserved by making the Gira the territorial boundary, as it is the natural boundary, between the two Possessions, and suggested that at the expiration of the Provisional agreement the question should be reconsidered by the Governments of the two nations concerned.

In a letter addressed to the Governor of Queensland on the 18th August, 1899, the Chief Secretary of the Colony endorsed the above opinion. Since 1899 the question appears to have been allowed to remain in abeyance, but has now been re-opened by the despatch of Captain Barton (12.1.06), wherein it is pointed out that the bed of the river is known to be rich in gold deposit, and several gold-dredging areas have been surveyed upon it and are open to applicants. Captain Barton remarks that there has been a tendency latterly to exploit the gold-dredging industry in the district, and in the event of it extending to the Gira applicants might find difficulties presented by the fact that the river's mouth is in German territory.

The Administrator suggests that the German Government be again approached with a view to the settlement of the difficulty.

It will be observed that the consensus of Colonial opinion, as expressed in the former correspondence, was in favour of a re-arrangement of the boundaries, i.e., making the centre of the river the boundary between British and German New Guinea.

H.H. Lewis

12.6.6

On 11th Sep. 1906, the Govr Genl was requested to ascertain from the Colonial Office the present position of the matter.

On 2nd Nov. 1906, the Sec. of State replied that as there were some rivers besides the Gira and Waria which ran from British territory into German, the best course perhaps would be to suggest to the German Govt an agreement for mutual free navigation of all rivers which beginning in the territory of one country end in the territory of the other. Would the Commonwealth agree to this?

On 15th Nov. 1906, the Prime Minister invited the Admr's views on the suggestion of the Colonial Office. Would the Fly, Purari or other important rivers fall within the terms of such arrangement? If so, it would appear undesirable to give the Germans an unrestricted right of navigation. If the suggested proposal were modified by limiting its operation to

rivers whose navigable course extended into the territories of both countries, would that serve his purposes in the case of Waria and be otherwise unobjectionable?

On 20th Dec the Admnr replied that any arrangements made between Great Britain and the German authorities having regard to the free navigation of rivers whose courses pass through the territories of both countries should be restricted to the Gira and Waria Rivers. He suggested later that in the event of an agreement to the above effect being entered into, the same freedom be obtained for the officers and constabulary of the Papuan Govt to utilise the two rivers as may be obtained for miners and others.

The Colonial Office having been apprised of Capt Barton's reply, the necessary representations were made to Germany who intimated in reply that in view of the fact that a considerable time had elapsed since the last exchange of notes on the subject, and especially in consideration of the fact that it was now desired to extend the proposed agreement to the Waria River, the German Govt thought it necessary to examine the question again.

On 26th March 1907, the British Ambassador in Berlin reported that the German Foreign Office thought it was impossible to avoid consulting the Governor of German New Guinea in the matter; and, in view of the slowness of the postal connection with Herbertshohe, it would be several months before the Imperial Govt were able to reply.

On the 21st October, 1907, the Colonial Office intimated that the German Government thought it necessary, before taking into consideration the question of the free navigation of the River Waria, to determine finally the position of the Treaty frontier. The German Government had therefore suggested that negotiations should be entered into for the despatch of a mixed boundary expedition to determine the position of the 8th degree of South Latitude from the coast to its point of intersection with the 147th degree of East Longitude, and thus to obtain a basis for the adjustment of this portion of the Anglo-German boundary in New Guinea. The question of the free navigation of the Gira River was still under consideration.

On the 7th May, 1908, the Governor-General was asked to inform the Secretary of State for the Colonies that rumours of interference by German patrols with a Village Constable in uniform had reached Australia. In view of probable difficulties tha [sic] Prime Minister intimated that the suggestion of the German Government should be agreed to. Mr Deakin added that details as to arrangements should be left to the Governments of Papua and German New Guinea respectively.

On the 4th August, 1908, the Foreign Office communicated accordingly with Berlin.

On the 11th August 1908 the British Representative informed the German Government of the agreement of England to the despatch of a mixed boundary expedition, and conveyed the proposal that the details of the arrangements to be made should be left to the Governments of Papua and German New Guinea.

Seen

A[tlee] H[unt]

2.11.8.

C8 George Le Hunte to Atlee Hunt¹

GOVERNMENT HOUSE
ADELAIDE
SOUTH AUSTRALIA

27. May 1908.

My dear Atlee Hunt,

Many thanks for your letter and the copy of Monckton's. He is the ^{if not the only} best authority on the geography of the country in that part. I only know the coast. It was a most unfortunate thing that the boundary line was arbitrarily fixed at a purely mathematical line without any reference to its geographical features which could only have been ascertained by sending someone to the spot beforehand. If the mouth of the Gira river (or Ikore as it was at first known) had been fixed and from there in a straight line to the 147 meridian it would have been practically the same thing and would have saved all this trouble. I quite concur with Monckton that it would be quite wrong to make the Gira river throughout its course the boundary for it takes a turn southwards just ~~after~~ above its mouth and runs right into our own territory. I cannot say anything about the Waria river as I have never seen it nor have I any map shewing it. I do not seem to have the sketch map Monckton refers to in the 1906 Report, there is one of the Albert Edward range but it does not shew the rivers - or at least not in any way that would guide me sufficiently for this purpose. If you have a loose one of it would you send it to me. It is impossible to speculate on the chance of finding a natural boundary which would prove acceptable to both sides. The spurs which run from the Great Dividing ranges run at all sorts of angles to the coast and in such a tangle that it would be very difficult to find one that would carry the line anywhere near straight from whatever point you started on the coast.

I always agreed with Winter that MacGregor had made too much of the Gira and people got the idea that it was a river of importance hence the rubbish of "the navigation being free to the vessels of both High Contracting Powers" when you can't get a whaleboat into it except under exceptionally favourable circumstances. But the ^{real} trouble does not seem to be about the Gira but the Waria, which rises in German then flows through British (I beg pardon Australian) and then out again into the sea in German territory. The important thing is to fix the spots ^{on Lat. 80° S} at which it enters and leaves Australian territory and this can only

¹ Commonwealth Archives Office. A 1, 14/4329. Sir George R. Le Hunte was a former Lieutenant-Governor of British New Guinea who at this time was Governor of South Australia (July 1903-end of 1908); Arthur Atlee Hunt was at this time Secretary of the Department of External Affairs.

be done by observations on the spot. If those were marked the miners would always know whether they were inside or outside their own boundary as far as the river is concerned. A compass bearing from either of the fixed spots on ^{lat.} 8° would give them a line east or west which would shew them approximately how far they could work from its banks in either direction. If it was flowing ^{N or} S they could work at right angles to it as far as they liked to go. Possibly a line might be found from 2 distant peaks one on each side of the river which would give a practical boundary to work to, but this is of course only a conjecture. The practical thing if you cannot get the river ^{itself} (Waria) as your boundary is to mark its egress and ingress from and into German territory. Within those limits there could be no mistake and it ought to be possible for a strong survey party to do that. It would have to be a joint one with the Germans. To mark out the whole boundary would be a big job.

With regard to the Gira. If Germany will not consent to shift the line to the mouth and then in a line due E to the 147th degree of Long. which would make no possible practical difference to them as long as the line was marked on the Waria or any other river which it crosses when miners were working you must let it stand as it is. A depot would be formed in Mambare Bay and on the river on our bank where the boundary cuts it and with a road from there to the beach you would be independent of the Germans.

Boats are much safer inside the river than out. They cannot stop them going in or out (but the sea can and does as the despatches show) but they might be ^{light} troublesome about letting them land inside their territory. If the traffic ever warranted it a line to carry hand trucks might be laid across from the river depot to the Bay which would save the cost of a lot of carriers.

I have written this to catch the mail. It is rather 'nebulous' but you asked me my opinion and I am really talking in the dark. What I do think is the first thing to find out is where the Waria leaves and enters German territory.

Yours always,

[sgd.] G.R. Le H

C9 Gustavus Sabine, British Border Commissioner, to the
Australian Minister for External Affairs¹

Port Moresby,
Territory of Papua.
10th December, 1909.

To the Honourable,
The Minister for External Affairs,
Melbourne.

Sir,

I have the honour to report, that in accordance with your instructions received through His Excellency, the Lieutenant Governor, J.H.P. Murray, I left Port Moresby on the 3rd of December, 1908 to co-operate with the German Commissioner in delimiting the 8th parallel of South Latitude between the East coast of New Guinea, and the 147th meridian of East Longitude, and to confer with him as to the best method for carrying out the work.

My staff comprised Mr. C.O. Turner, Resident Magistrate of Samarai, 2nd in command, Mr. K.S. Tooth, Surveyor, and Mr. D.R. Macdonald field and general assistants, 20 members of the Armed Native Constabulary, and 20 native assistants.

...

In reference to the adoption of a boundary between British and German New Guinea, Your Commissioner respectfully recommends that the 8th parallel of South latitude, the present international boundary be retained, for the following reasons, viz:-

- 1st. The parallel has been determined, and the crossings of natural features and tracks permanently marked with concrete pillars, cairns and solid durable posts squared and capped with sheet copper, Latitude 8°0'0" is cut on all posts. The parallel is well defined for many miles, and crossing near the summits of several peaks which have been cleared of all timber - makes the marking very conspicuous.
- 2nd. The Waria River, excepting where the parallel crosses same, being only sketched in the course of same shown on plan is approximate.
- 3rd. Adopting the Waria River as the boundary would be unsatisfactory and indefinite. From the point where the parallel crosses above Yatuna down to the mouth, the river runs through extensive alluvial flats, consequently the course frequently changes.
- 4th. Alluvial beaches, in which payable gold occurs, exist either side of the river, miners would work on one side for a time and then probably cross to the opposite bank. This would cause considerable inconvenience and trouble, and would make the granting of dredging concessions most difficult.

¹ Commonwealth Archives Office. A 1, 14/4329. Only the introductory and concluding paragraphs are reproduced here.

5th. So far as I was able to ascertain, the payable auriferous wash in the bed of the Waria River extends from Sisila to near Pema, nearly the whole of which is at present in British Territory.

The coastal steamer "Kiaora" arrived on the 13th. Your Commissioner and Staff embarked on the same day, and [sic] Port Moresby was reached on the 30th October 1909.

In concluding my report I wish to thank the members of my staff for their very willing and able assistance, without which it would have been impossible to have carried out the work in such rough and little known country.

Under separate cover I have forwarded plan of work, and Journal showing record of observations etc.²

I have the honour to be,

Sir,

Your obedient servant,

[sgd.] Gustav. Sabine
British Commissioner.

² For a tracing of the work accomplished until July 1909, see S.N.G.B., Fig. 8.

C10 Staniforth Smith to Lieutenant-Governor of Papua¹

[n.d. Encl. in Letter of Lt.-Governor J.H.P. Murray to the
Minister of State for External Affairs.]

[Port Moresby
December 1909]

Your Excellency,

In conformity with your directions, I have the honour to report as follows regarding the advisability or otherwise of retaining the Anglo-German Boundary - recently surveyed between German New Guinea and the Territory of Papua - as the permanent international Boundary.

I venture to think that the best interests of the Territory would be served, and less danger of international friction would arise if the present marked boundary along the 8th Parallel of South Latitude were retained instead of making that boundary co-terminus with the lower course of the Waria River.

My reasons for this view are as follows:-

1. The River flows for some 17 miles through flat swampy country, and when flooded is likely at any time to change its course by cutting a new channel. Even where flowing through rocky country the erosion of a swift flowing, and often flooded, river, is considerable. For this reason such a boundary could never be definitely fixed.
2. The present course of the Waria River has not been surveyed; in many places it has only been sketched in approximately from the surveyed boundary.
3. The present line, already fixed by the existing international agreement, is permanently defined and marked with cement column[s] and large hardwood posts; these would only require repairs or renewal at long periods. If any mark became obliterated, its correct position could be easily and quickly ascertained by stellar observation for latitude.
4. If the River Boundary were adopted the whole of the arduous and excellent work, extending over a period of approximately 12 months, would be useless except for the approximate definition of the present course of the Waria River.
5. The Waria River has been proved to contain alluvial gold in that portion of its bed which it has been suggested it might be advisable to constitute the national boundary. If the centre of the stream or either side were to form this boundary, great difficulties might arise in connection with the alluvial miners at present working there, and in regard to the dredging areas over that river already applied for, as each dredging concession would have to be obtained from two Governments. A miner camped with his indentured natives and stores on one side of the river might, owing to floods or other reasons, require to remove to the other side; he would, in such a case, have to take his indentured natives from British to

¹ Commonwealth Archives Office. A 1, 14/4329.

German territory or vice versa, either with or without the consent of the representatives of both nations, and the transfer of his stores would either involve smuggling or the valuation and payment of Customs duties. The miners and dredging companies, as well as the indentured natives, would be obtaining their gold from the territories of two nations, and would, therefore, be subject to two sets of laws, perhaps widely differing in their natures. I was informed by a miner that a representative of the German Government admitted that a royalty might be charged on gold taken from their territory. In such a case it would be most difficult to satisfactorily apportion the quantity of gold (taken from the bed of the river) that was subject to royalty.

6. These many difficulties would be largely minimised if the present marked boundary were adopted. The loop of the Waria River that is South of the 8th parallel of latitude, and at present in British Territory, has its intersections with that parallel clearly marked at each end by cement posts. The alluvial miners and the dredging companies could therefore work the bed of the stream without difficulty, and if desiring to go beyond the cement pillars, then arrangements with either the representatives of the German or British Governments would be first entered into, and the necessary permission obtained.

7. The portion of the bed of the Waria River from which almost the whole of the gold of the Waria Field has been obtained is at present in British Territory. Rich specimens of auriferous quartz and copper bearing matrix have been obtained from several reefs on the North side of the Waria River that are at present in British Territory. If the course of the river were taken as the boundary territory containing those apparently rich and valuable deposits would be transferred to other control.

(Sgd.) STANFORTH SMITH,
Commissioner for Lands.

C11 An Act to approve the placing of the Territory of New Guinea under the International Trusteeship System...¹

[Assented to 25 March, 1949.]

PART II. - THE TRUSTEESHIP AGREEMENT FOR THE TERRITORY OF NEW GUINEA.

Approval of placing of New Guinea under International Trusteeship System.

6. Approval is given to the placing of the Territory of New Guinea under the International Trusteeship System by means of, and upon the terms of trusteeship embodied in, the Trusteeship Agreement.

Report to the General Assembly of the United Nations.

7. The Minister shall make to the General Assembly of the United Nations the annual report required by the Charter of the United Nations on the political, economic, social and educational advancement of the inhabitants of the Territory of New Guinea.

PART III. - ADMINISTRATIVE UNION OF THE TERRITORY OF PAPUA AND THE TERRITORY OF NEW GUINEA.

Declaration respecting the Territory of Papua and the Territory of New Guinea.

8. It is hereby declared to be the intention of the Parliament that the Territory of Papua and the Territory of New Guinea shall continue to be Territories under the authority of the Commonwealth and the identity and status of the Territory of Papua as a Possession of the Crown and the identity and status of the Territory of New Guinea as a Trust Territory shall continue to be maintained.

Administrative union of the two Territories.

9. The Territory of Papua and the Territory of New Guinea shall be governed in an administrative union to the extent and in the manner provided by or in pursuance of this Act.

Name of Territories governed in administrative union.

10. For the purposes of this Act the Territory of Papua and the Territory of New Guinea shall be together called the Territory of Papua and New Guinea.

Amount to be expended in respect of the Territory of New Guinea.

11. There shall be expended in each year, upon the administration, welfare and development of the Territory of New Guinea, an amount which is not less than the total amount of public revenue raised in that year in respect of the Territory of New Guinea.

¹ Australia, Parliament, Acts, 1949, Vol. XLVII (Canberra, 1949). Papua and New Guinea, No. 9 of 1949, pp. 38-60. Only those sections considered directly relevant have been reproduced here.

References to Territories
in other laws.

12. A reference in any other law of the Commonwealth (whether made before or after the commencement of this Act) to a Territory of the Commonwealth, a Territory under the control of the Commonwealth or a Territory under the authority of the Commonwealth shall, unless the contrary intention appears, be deemed to include a reference to -

- (a) the Territory of New Guinea;
- (b) the Territory of Papua; and
- (c) the Territory of Papua and New Guinea as administered under this Act.

Section 3.

THE SCHEDULES

SECOND SCHEDULE

Section 5.

The Territory of New Guinea.

The north-eastern part of the island of New Guinea, the Bismarck Archipelago (comprising New Britain, New Ireland, New Hanover, the Admiralty Islands and outlying groups), the northern islands Buka and Bougainville, of the Solomons Group and all other islands, contained within an area bounded by a line commencing at the intersection of the meridian 141° east longitude with the parallel 5° south latitude, thence bearing north along the said meridian 141° east longitude to its intersection with the Equator, thence bearing east along the said Equator to its intersection with the meridian 160° east longitude, thence bearing south along the said meridian 160° east longitude to its point of intersection with the parallel 4°50' south latitude, thence bearing west along the said parallel 4°50' south latitude to its intersection with the meridian 159° east longitude, thence bearing generally south westerly to a point which lies 6 nautical miles north 42° east true from Cape Friendship thence bearing generally southerly to a point which lies 4 nautical miles north 70°30' east true from Cape Friendship, thence bearing generally south westerly to a point which lies 3 nautical miles south true from the southern point of the Peninsula which bounds the harbour of Tonolei on the east, thence bearing generally south westerly to a point which lies 3 nautical miles south true from Moila Point (previously shown as Komalei Point on German Admiralty Chart No.100)² thence bearing generally westerly to a point which lies 8 nautical miles south 69° west true from the aforesaid Moila Point, thence south westerly to the intersection of the meridian 154° east longitude with the parallel 8° south latitude, thence continuing westerly along the said parallel 8° south latitude to its intersection with the meridian 147° east longitude thence generally north westerly to the point of intersection of the meridian 144° east longitude with the parallel 6° south latitude thence north westerly to the point of commencement.

² Not just the German Admiralty Chart but also the 1885 and 1904 editions of British Admiralty Chart No.329. See S.N.G.B., p.39.

THIRD SCHEDULE

Section 5.

The Territory of Papua.

The southern and south-eastern shores of New Guinea from the middle of the mouth of the Bensbach River, situated at about one hundred and forty-one degrees one minute forty-seven point nine seconds of east longitude, eastward as far as East Cape, and thence north-westward as far as the eighth parallel of south latitude in the neighbourhood of Mitre Rock, together with the territory lying south of a line from Mitre Rock, proceeding along the said eighth parallel to the one hundred and forty-seventh degree of east longitude, then in a straight line in a north-westerly direction to the point of intersection of the sixth parallel of south latitude and of the one hundred and forty-fourth degree of east longitude, and continuing in a west-north-westerly direction to the point of intersection of the fifth parallel of south latitude and of the one hundred and forty-first degree of east longitude, and then proceeding south along the one hundred and forty-first meridian of east longitude to the most northerly intersection³ of that meridian with the Fly River, then following the waterway of the Fly River to its most southerly intersection with the meridian one hundred and forty-one degrees one minute forty-seven point nine seconds of east longitude, then proceeding along that meridian southerly to the point of commencement, together with the Trobriand, Woodlark, D'Entrecasteaux, and Louisiade Groups of Islands and all other Islands lying between the eighth and the twelfth parallels of south latitude and between the one hundred and forty-first and the one hundred and fifty-fifth degrees of east longitude and not forming part of the State of Queensland, and furthermore including all Islands and Reefs lying in the Gulf of Papua to the northward of the eighth parallel of south latitude.

FOURTH SCHEDULE

Section 5.

Trusteeship Agreement for the Mandated Territory of New Guinea as approved by the General Assembly of the United Nations on 13th December, 1946.

The Territory of New Guinea has been administered in accordance with Article 22 of the Covenant of the League of Nations and in pursuance of a Mandate conferred upon His Britannic Majesty and exercised on His behalf by the Government of the Commonwealth of Australia.

The Charter of the United Nations, signed at San Francisco on 26 June 1945, provides by Article 75 for the establishment of an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements.

³ By entering the words 'the most northerly intersection' and 'its most southerly intersection', the Papua-New Guinea Bill 1949 avoided the ambiguity which exists in Article III of the Convention of 1895 (Doc. D.6) and the Papua Act No.9, 1905-40.

The Government of Australia now undertakes to place the Territory of New Guinea under the trusteeship system, on the terms set forth in the present Trusteeship Agreement.

Therefore the General Assembly of the United Nations, acting in pursuance of Article 85 of the Charter, approves the following terms of trusteeship for the Territory of New Guinea, in substitution for the terms of the Mandate under which the Territory has been administered:

Article 1

The Territory to which this Trusteeship Agreement applies (hereinafter called the Territory) consists of that portion of the island of New Guinea and the groups of islands administered therewith under the Mandate dated 17 December 1920, conferred upon His Britannic Majesty and exercised by the Government of Australia.

Article 2

The Government of Australia (hereinafter called the Administering Authority) is hereby designated as the sole authority which will exercise the administration of the Territory.

Article 3

The Administering Authority undertakes to administer the Territory in accordance with the provisions of the Charter and in such a manner as to achieve in the Territory the basic objectives of the international trusteeship system, which are set forth in Article 76 of the Charter.

Article 4

The Administering Authority will be responsible for the peace, order, good government and defence of the Territory and for this purpose will have the same powers of legislation, administration and jurisdiction in and over the Territory as if it were an integral part of Australia, and will be entitled to apply to the Territory, subject to such modifications as it deems desirable, such laws of the Commonwealth of Australia as it deems appropriate to the needs and conditions of the Territory.

Article 5

It is agreed that the Administering Authority, in the exercise of its powers under Article 4, will be at liberty to bring the Territory into a customs, fiscal or administrative union or federation with other dependent territories under its jurisdiction or control, and to establish common services between the Territory and any or all of these territories, if in its opinion it would be in the interests of the Territory and not inconsistent with the basic objectives of the trusteeship system to do so.

Article 6

The Administering Authority further undertakes to apply in the Territory the provisions of such international agreements and such recommendations of the specialized agencies referred to in Article 57 of the Charter as are, in the opinion of the Administering Authority, suited to the needs and conditions of the Territory and conducive to the achievement of the basic objectives of the trusteeship system.

Article 7

The Administering Authority may take all measures in the Territory which it considers desirable to provide for the defence of the Territory and for maintenance of international peace and security.

Article 8

The Administering Authority undertakes that in the discharge of its obligations under Article 3 of this agreement:

1. it will co-operate with the Trusteeship Council in the discharge of all the Council's functions under Articles 87 and 88 of the Charter;
2. it will, in accordance with its established policy:
 - (a) take into consideration the customs and usages of the inhabitants of New Guinea and respect the rights and safeguard the interests both present and future of the indigenous inhabitants of the Territory; and in particular ensure that no rights over native land in favour of any person not an indigenous inhabitant of New Guinea may be created or transferred except with the consent of the competent public authority;
 - (b) promote, as may be appropriate to the circumstances of the Territory, the educational and cultural advancement of the inhabitants;
 - (c) assure to the inhabitants of the Territory, as may be appropriate to the particular circumstances of the Territory and its peoples a progressively increasing share in the administrative and other services of the Territory;
 - (d) guarantee to the inhabitants of the Territory, subject only to the requirements of public order, freedom of speech, of the press, of assembly and of petition, freedom of conscience and worship and freedom of religious teaching.

D The Anglo-Dutch Boundary, 1892-1901

D1 Dr G. van Tienhoven to Sir Horace Rumbold¹

Draft Project

[The Hague,
25 January 1892]

Dear Envoy,

With your note of 19 December last you were kind enough to transmit to me a report addressed to His Excellency the Governor of Queensland in which Sir William MacGregor, the Administrator of British New Guinea, elaborates the reasons why he feels justified in maintaining the opinion that the Tugeri tribe had its origin in the Netherlands part of New Guinea and that, consequently, the task of curbing the incursions of this tribe into neighbouring territories rests with the Netherlands Government.²

I did not fail to communicate the content of your note, as well as its appendix, to the Minister of Colonies, who informs me that his predecessor had already asked the Governor-General of the Netherlands Indies to provide him with information about the Tugeri tribe and to instruct a colonial official with carrying out an investigation in Netherlands New Guinea as far as the 141st degree of East Longitude in order to determine the place of origin of this tribe and whether it is also given to depredations on Netherlands territory. My colleague adds that the Governor-General has instructed the Resident of Ternate accordingly.

As soon as the result of this investigation is known, I shall lose no time in communicating it to you, as well as the final reply of Her Majesty's Government which furthermore has no intention of shirking in any way the responsibilities incumbent upon it as sovereign of the western part of New Guinea.

In the meantime, I believe that I ought to mention that, at present, the complete uncertainty felt by the Government with regard to the habitual abode of the Tugeri - if they have a fixed abode at all - has in no way been diminished by Sir William MacGregor's report of 12 October 1891.

¹ Netherlands Ministry of Foreign Affairs, Archives. Doss.A-110 (Nieuw-Guinea). This document is based on the manuscript which first went to the Minister of Colonies, Dr W.K. Baron van Dedem, and was returned with a number of suggestions. For a copy of the final version compare Commonwealth Archives Office, CP 1 (Colony), series 5, vol.9. Van Tienhoven was Premier and Minister of Foreign Affairs; Sir Horace Rumbold was British representative at The Hague.

² MacGregor's despatch can be found in Commonwealth Archives Office, CP 1 (Colony), series 6, vol.2, pp.172-4. In the original text his name is consistently spelled 'Mac Gregor'.

Projet

Monsieur le Ministre,

Par votre office du 19 Décembre dr Vous avez bien voulu me communiquer un rapport adressé à Son Excellence Monsieur le Gouverneur de Queensland dans lequel Sir William Mac Gregor, Administrateur de la Nouvelle Guinée Britannique, développe les raisons pour lesquelles il croit devoir maintenir son opinion que la tribu des Tugere serait originaire de la partie Néerlandaise de la Nouvelle-Guinée, et que par conséquent ce serait au Gouvernement Néerlandais qu'incombe la tâche de réprimer les incursions de cette tribu dans les territoires limitrophes.

Je n'ai pas manqué de communiquer le contenu de votre office ainsi que de son annexe au Ministre des Colonies qui m'informe que son prédécesseur avait déjà invité le Gouverneur Général des Indes Néerlandaises à lui fournir des renseignements sur la tribu des Tugere et à charger un fonctionnaire colonial de procéder à une enquête dans la Nouvelle Guinée Néerlandaise jusqu'au 141^{ème} degré de longitude Est dans le but de déterminer l'endroit d'où cette tribu est originaire et si, sur le territoire Néerlandais, elle se livre aussi à la piraterie. Mon collègue ajoute que le Gouverneur Général a donné des instructions dans ce sens au Résident de Ternate.

Dès que le résultat de cette enquête sera connu, je m'empresserai de Vous le communiquer, ainsi que la réponse définitive du Gouvernement de Sa Majesté la Reine qui du reste n'entend se soustraire en aucune façon aux devoirs qui lui incombent comme souverain de la partie occidentale de la Nouvelle Guinée.

En attendant je crois pouvoir observer dès maintenant que l'incertitude complète dans laquelle se trouve le Gouvernement quand à la demeure habituelle des Tugere - si toutefois ils ont une demeure fixe - n'est nullement diminuée par le rapport de Sir William Mac Gregor du 12 Octobre 1891.

This report which on this subject contains conjecture rather than proof does not, moreover, refute the argument that a pursuit of the Tugeri tribe would have no other effect than to cause it to move to some other region whence it would pursue its incursions and depredations as before.

In your above-mentioned note, as well as in Sir William MacGregor's report, it is stressed particularly that the appeal made to the Netherlands Government to curb the invasions of the tribe concerned is based ^{Netherlands} mainly on humanitarian grounds. It is difficult to admit the validity of this argument. The Government is not clear how it could put an end to the invasions of the Tugeri other than by violent means and it could not, any more than the British authorities, avoid this suppression of being accompanied by a large-scale bloodbath.

If it is true that the moral effect produced by an expedition of launches, as recommended by Sir William MacGregor, would be sufficient to contain the Tugeri it seems that this simple measure could be undertaken just as well by the British authorities [along the coasts of the British portion]⁴ of New Guinea.

[I raise once more that in his report Sir W^m MacGregor claims to know, on the basis of his long experience, that the Tugeri can be contained with an inconsequential loss of men if the necessary measures are taken in their own country. However, as long as the situation in these regions remains unknown, you will, dear Envoy, acknowledge that it is impossible to know whether the territories which they inhabit would be accessible to the civil or military officials who would have to be sent there, accompanied by forces required for implementing such measures as might be deemed necessary.]⁵

Finally, I cannot let the fact mentioned by Sir W^m MacGregor that in their incursions the Tugeri are accompanied by their aged, including even their blind, as well as their women, pass without comment. This fact, in my opinion, seems to confirm the conjecture of the Netherlands Government that these Tugeri have no fixed abode and that they are nomads.

Such are the observations suggested to me by the report of the Administrator of British New Guinea which I have wanted to impart to you at this stage for submission to the consideration of Her Britannic Majesty's Government while wholly reserving the right to return to this question later, when the information awaited from the Governor-General of the Netherlands Indies will have provided the necessary basis for a final reply.

I take this opportunity etc.

³ Suggestion entered by the Minister of Colonies in pencil and adopted in the final text.

⁴ Deletion suggested by the Minister of Colonies and adopted by the Premier.

⁵ In this paragraph the Minister of Colonies entered a number of changes. Underlining the last three lines he wrote in the margin: 'I would prefer that you leave this out. It could be considered a recognition of weakness to maintain our Sovereignty' (Dit zou ik liever weglaten. Het zou kunnen worden aangemerkt als een erkenning van onmacht om onze Souvereiniteit te handhaven). The whole paragraph was therefore omitted.

Ce rapport qui contient à ce sujet des conjectures plutôt que des preuves, ne réfute d'ailleurs pas l'argument qu'une poursuite de la tribu des Tugere n'aurait d'autre effet que de la faire se transporter dans une autre région d'où elle poursuivrait ses incursions et déprédations comme avant.

Dans votre office précité ainsi que dans le rapport de Sir William Mac Grégor, il est insisté particulièrement sur ce que l'appel fait au Gouvernement Néerlandais de réprimer les invasions de la tribu en question est basée principalement sur des motifs humanitaires. Il est difficile d'admettre le bien fondé de cet argument. Le Gouvernement Néerlandais ne voit pas bien comment il pourra mettre fin aux invasions des Tugere autrement que par la violence et pas plus que les autorités Britanniques, il ne pourra éviter que cette répression ne se fasse sans une grande effusion de sang.

S'il est vrai que l'effet moral produit par une expédition de chaloupes ainsi que le recommande Sir William Mac Gregor, suffira pour contenir les Tugere, il semble que cette simple mesure pourrait être appliquée également par les autorités Britanniques [le long des côtes de la partie Britannique] de la Nouvelle Guinée.

[Je relève encore de son rapport que Sir W^m Mac Gregor dit savoir par sa longue expérience que les Tugere peuvent être contenus avec une perte d'hommes peu considérable pourvu que des mesures convenables soient prises dans leur propre pays. Or, tantque la situation de ces parages n'est pas connue, Vous voudrez bien reconnaître, Monsieur le Ministre qu'on ne peut savoir si les territoires qu'ils habitent seront accessibles aux fonctionnaires civils ou militaires qui devront y être envoyés, accompagnés des forces nécessaires pour mettre à exécution les mesures jugées nécessaires.]

Enfin, je ne saurais passer sous silence le fait relaté par Sir W^m Mac Gregor que les Tugere sont accompagnés dans leurs incursions de leurs vieillards, même aveugles, ainsi que de leurs femmes. Ce fait, à mon avis, semble confirmer la conjecture du Gouvernement Néerlandais que ces Tugere n'ont pas de demeure fixe et qu'ils sont des nomades.

Telles sont les observations que m'a suggérées le rapport de l'Administrateur de la Nouvelle Guinée Britannique et dont j'ai voulu, Monsieur le Ministre Vous faire part dès à présent pour les soumettre à l'appréciation du Gouvernement de Sa Majesté Britannique, tout en me réservant de revenir ultérieurement sur cette question, dès que les renseignements attendus du Gouverneur-Général des Indes Néerlandaises auront fourni les éléments nécessaires à une réponse définitive.

Je saisis etc.

D2 Sir William MacGregor to Sir Henry Norman.
Despatch respecting expedition undertaken to
repel Tugeri invasion¹

Government House,
Port Moresby,
5th July, 1892.

No.45.]

Sir, -I have the honour to report that by the s.s. "Merrie England" I received, by way of Cooktown on the 5th June, certain information that the Dutch New Guinea tribes, known in the west of the Possession as the Tugeri, had again crossed the boundary and were raiding the coast up to the Magistrate's Station at Mabudauan. I therefore felt it to be my duty to hasten West as fast as possible to meet these marauders and expel them. A delay of two days took place before the steamer could discharge cargo and get ready for sea, but we got under way on the 8th June and sailed for Mabudauan, where I landed on the 11th.

...
3. We left Mabudauan on the forenoon of the 12th June, and reached Boigu the same night. I had with me the steam launch "Ruby" and two whaleboats, with a force of about a score of available men, four of whom, including myself, were Europeans, the majority of the others Papuans. We found that Boigu Island had been deserted for several weeks, the wretched natives having fled to Dauan Island for safety. The Tugeri had not visited Boigu. I have already explained that their canoes, being single and without sail or outrigger, are suitable for coast or river work only, and cannot cross any considerable area of deep water unless in perfectly calm weather. As the south-east trades had set in before their arrival they could not cross over to Boigu. The half-dozen houses of that hunted community, therefore, remained intact and provided us with shelter. Starting early next morning we reached in the forenoon the old Tugeri camp on the east bank of the Mai Kussa close to its mouth. This had been occupied by the invaders about three weeks before our arrival. The usual Tugeri shelters had been built, consisting of straight and curved roofs of young saplings, covered over by the white papery bark of a swamp tree, which is plentiful in that part of the country, and is well adapted to such a purpose. About three dozen of these houses had been occupied, which, judging from the average number of sleeping places in each, would have accommodated about 300 persons, a number which would practically correspond with what was seen from Mabudauan Station. They had lived on sago, coconuts, and the proceeds of the chase, which had given them shell-fish, wallaby, pigs, eggs, birds, and fish. That they did not mean this to be their last visit was shown by the fact that they had carefully planted at this camp a number of bamboo roots.

4. ...

¹ Annual Report on British New Guinea, 1891-2, Appendix L, pp.50-3. Only relevant sections have been reproduced here.

It would be difficult for me to exaggerate the inconvenience which this journey westward has been to the work of administration. It has taken up my time exclusively from the 8th June to the 1st July, and has taken away police and other officers from their ordinary duties, besides putting the Possession to considerable expense. In my programme of work I had intended to add in that time two or three other important new districts to the jurisdiction of the Government Agent for Mekeo. Unless some decided steps are taken to prevent it, we are liable to a recurrence of the same thing next year, and every subsequent year. It seems to me, therefore, that the time has come when this question must be brought to a practical conclusion. It would be a work of supererogation for me to relate again what is so well known to Your Excellency and the Secretary of State, that these Tugeri invaders have utterly depopulated our coast from the British-Dutch boundary to Mabudauan. When I made inquiries the other day as to what had become of the Wasi and Buji tribes that used to live on the Mai Kussa and Wasi Kussa, I was informed that one of the tribes was now extinct, and that only a small remnant of the other remained, which had left their own territory and taken refuge with the Wunagai, who are under direct Government protection. These lands are now utterly desolate, and to repeople them is absolutely hopeless until the Tugeri raids are stopped for ever. If the question is asked why this Government does not put an end to these incursions, the key to the whole position will be found in the answer. It is because these marauders are shielded by the Sovereignty of the Netherlands. It is this suzerainty, and that alone, which stands in the way and prevents us from proceeding straight to the villages of the Tugeri to demand restitution of the few tools they stole in May last from the Government Station at Mabudauan, and to punish them for some of the numerous murders they have committed in this Possession. I shall not occupy your Excellency's time by reference to previous correspondence on this vexatious subject, except as regards a single point.

In his letter of 25th January, to Sir H. Rumbold, His Excellency M. van Tienhoven says: - ("le Gouvernement de sa Majesté la Reine), qui du reste n'entend se soustraire en aucune façon aux devoirs qui lui incombent comme Souverain de la partie occidentale de la Nouvelle Guinée."² I have respected this sovereignty (1) by not attacking the Tugeri when I met them, now over two years ago, at a point which astronomical observations taken by Mr. Cameron, a competent officer, placed on the Dutch side of the boundary; (2) by not landing in Dutch territory, when in April last I went by sea in my boat some two score of miles west of our boundary; (3) by not following up the Tugeri, crossing the boundary, and punishing them at home last month. But it is now ripe time to call upon the Government of Her Majesty the Queen of the Netherlands, to make good the above friendly and courteous declaration of His Excellency M. van Tienhoven. They should, in my opinion, be invited to at once exercise the sovereign rights they do not intend to withdraw from. The sovereignty of the Netherlands in the portion of the New Guinea coast bordering on this Possession has up to now only had the effect of putting the Tugeri country into a condition of political mortmain, and of shielding these marauders from the punishment which would otherwise have surely overtaken them before now.

That the Dutch Government claim, but do not exercise sovereign powers over that district, would not be complained of by me were it not that these tribes make ruinous incursions into this Possession, to protect the inhabitants of which is one of my first duties. I have had

² See Doc. D.1.

the strongest of proof, on the spot, that Dutch sovereignty is totally unknown and totally unexercised in the district in question, a fact which is made further manifest by the arguments, all of a general and purely abstract nature, by which the Dutch Government have met the statement of facts coming under my own observations at different times on the coast in question.

5. It is of the greatest importance that a remedy be found and applied without delay to prevent another invasion. Mr. Montague, who is not unknown to the Dutch Government, claims to have prevented one last year. He has left the Tugeri coast, and I have some reason to believe was refused permission to return to those tribes. It is corroborative of Montague's assertions that he certainly was landed among the Tugeri tribes not far from $140^{\circ} 30'$ East; that they did not make their usual annual incursion last year, but they did so this year when he was no longer there. This and our large experience in the west of this Possession, which covers every corner of the coast from Cape Blackwood to the Dutch boundary, point clearly to the remedy required - a Government Station established in the country of the Tugeri. The Power to do that is manifestly the one that is prepared to exercise its sovereignty there. The Dutch Government has, I regret to say it, done absolutely nothing to ameliorate the condition of those tribes to bring them, their subjects, into the line of civilization. It is impossible to civilize our side of the boundary line while the other remains in a state of savagery; such conditions never have, and never can, exist in contiguity. On the British side of the boundary we have gone so far in the path of progress that we cannot, and dare not, now go back; and the force of circumstances will sooner or later make the settlement of the Tugeri tribes an absolute necessity. The Government of Her Majesty the Queen of the Netherlands should therefore be asked to either take effective steps to restrain the Tugeri tribes, which would be done by establishing a Government Station or Mission there, and can be done in no other way; or if they do not care to do so, then out of regard for the welfare of the tribes in question, and in consideration for a friendly neighbour, they should fix a boundary line at such a spot as would allow this Government to establish a Station among the Tugeri. Let me emphatically impress upon your Excellency that this matter should be proceeded with earnestly and without delay. I can easily understand from the previous correspondence with the Dutch Government that they would desire to have information from their own Colonial authorities on this subject, and that they would willingly prefer and ask for long delay to refer questions to their Colonial officers, and that the replies cannot readily be supplied by them. But it must be remembered that in the meantime this Possession lies open to a renewal of these invasions, and that the assumption of sovereignty over the Tugeri districts by the Dutch Government is far from being a new thing. To my mind, therefore, it is clearly necessary as regards the future that a Government Station be established among the Tugeri before next May, at which time we would, in natural sequence, expect another invasion.

...

7. Perhaps the best way of dealing with the whole question would be the appointment of a joint commission to deal with two points: (1) To lay down a geographical or working boundary between the British and Dutch portions of the island; (2) to settle the question of indemnification. With regard to the first I would remark that a few miles, or two or three score of miles, near the boundary, can be of no consequence to either Government, as I believe anyone competent to express an opinion on the point will, on examination, pronounce the country in question unsuitable for European occupation. The great aim of this Government is the settlement of that country and the promotion of friendly intercourse between the tribes

and districts concerned. It is therefore of no importance whether the Government of Her Majesty the Queen, or the Government of Her Majesty the Queen of the Netherlands, establish a station and effect the settlement of the Tugeri tribes.

If the Dutch Government will establish such a station, it can depend on the most cordial co-operation of this Government, which would be made manifest to all tribes in that part of the island by the exchange of friendly visits between their station and ours, and by consultation and mutual exchange of views with regard to border tribes and questions. But it is clearly my duty to urge and insist respectfully that the Tugeri be kept for some time in their own district by one or other of the two Governments.

I may point out that whatever view is taken of this question it would be desirable that some natural boundary should be laid down between the two Sovereignties. At present the boundary is the 141° of east longitude. I need hardly say that it is impossible for me, or for any of my officers, to determine exactly when we reach the 141° of east longitude. I would therefore respectfully suggest that if the questions arising out of this Tugeri matter can be satisfactorily settled without the appointment of a joint commission, that a British and Dutch ship of the respective Royal Navies, with specially qualified officers, should meet and lay down the boundary; but I would venture to advise that the boundary so laid down should not so much have reference to the 141° as to the practical and working convenience of the two Colonial Governments; for it can be a matter of no importance to either of two such great Colonial powers whether the boundary post is a few miles east or west of a meridian that traverses an area of mangrove swamp. But I must point out that to lay down such a boundary, and to erect a pole at the spot agreed upon would be useless, and of no practical value, unless each Government is prepared to undertake in good faith that it will use all reasonable means to prevent its subjects from making hostile incursions on the neighbouring friendly state. I have already stated that this Government is prepared to loyally carry out its duty in that respect. I merely ask that I may be met with the same spirit at the boundary line wherever that may be placed.

I have, &c.,

WM. MACGREGOR.

His Excellency Sir Henry W. Norman, G.C.B., G.C.M.G., C.I.E.,
Government House, Brisbane.

D3 Dr G. van Tienhoven to Sir Horace Rumbold¹

Section I

No. 514

The Hague, 16 January 1893

To the British Envoy

Concerning:
New Guinea.

Dear Envoy,

Further to my communication of 31 December last, Dir. Pol., N^o 14605, I have the honour to inform you that ~~after what I have just heard from~~ the Minister of Colonies ~~who~~ has received on the 12th of this month a telegraphic despatch from the Governor-General of the Netherlands Indies to the effect that the Resident of Ternate has returned from New Guinea and has stationed an official (posthouder) at Silaraka with an adequate police force and necessary provisions. According to this despatch, the Resident has been very well received by the people whose disposition appeared excellent to him and who did not give him the impression of being given to piracy since they possess only a small number of weapons and have nothing but canoes ("prauws") scarcely suitable for sea navigation; it thus appears improbable that the natives could undertake long trips. Moreover, the coast to the east of Silaraka is uninhabited.

At the same time, ^{inquiring} the Governor-General reports having received a telegram from the Governor of Queensland ~~inquiring~~ whether, on or about 20 February next, a Netherlands warship could meet Sir William MacGregor off Thursday Island and escort him then to the border of our respective possessions in order to make a joint exploration of the terrain.

There being no objection to the suggested date, Baron van Dedem has, also by telegraph, authorized the Governor-General to accept Sir Willi-Henry Norman's proposal.

Informing you of the above,
I take this opportunity etc.

Colonies.

I have the honour to bring to Y.E.'s notice that I have informed the British Envoy in accordance with your letter of the 13th of this month, Litt. A.³ N^o 31,

The Min. of For. Affs.
For the Minister

¹ Netherlands Ministry of Foreign Affairs, Archives. Doss. A-110 (Nieuw-Guinea). This document is based on the manuscript which was sent by Van Tienhoven to the Minister of Colonies. For copy of the final version see Commonwealth Archives Office, CP 1 (Colony), series 5, vol. 10, pp. 49-50.

Afd. I
N^o. 514

's Gravenhage, den 16 Januari 1893
Aan Britschen Gezant.

Over:
Nieuw-Guinea.

Monsieur le Ministre,

Pour faire suite à ma communication du 31 Décembre dr. Dir. Pol., N^o 14605, j'ai l'honneur de porter à Votre connaissance que ~~d'après ce que je viens d'apprendre du~~ le Ministre des Colonies ~~eetici-ei~~ a reçu le 12 de ce mois une dépêche télégraphique du Gouverneur-Général des Indes Néerlandaises, annonçant que le Résident de Ternate est de retour de la Nouvelle-Guinée et a établi à Silaraka un fonctionnaire (posthouder) avec une force de police suffisante et les vivres nécessaires. Aux termes de cette dépêche le Résident a été très bien accueilli de la population, dont l'esprit lui a semblé excellent et qui ne lui a pas fait l'effet de se livrer à la piraterie, vu qu'elle ne possède que peu d'armes et rien que des canots ("prauws") peu propres à tenir la mer; de sorte qu'il paraît improbable que les indigènes puissent exercer la course au loin. Du reste à l'est de Silaraka la côte est inhabitée.

En même temps le Gouverneur-Général annonce avoir reçu un télégramme du Gouverneur de Queensland, ~~s'informant~~ ^{demandant} si, vers le 20 Février pr. un bâtiment de guerre Néerlandais pourrait rencontrer Sir William MacGregor à la hauteur de Thursday Island et l'escorter ensuite jusqu'à la limite de nos possessions respectives, dans le but de reconnaître ensemble le terrain.

Comme il n'y a aucune objection à la date projetée, le Baron de Dedem a, également par voie télégraphique, autorisé le Gouverneur-Général à accepter la proposition de Sir ~~Willi~~ Henry Norman.

En Vous informant de ce qui précède je saisis etc.

Koloniën.

Ik heb de eer ter kennis van U.E. te brengen dat ik den Britschen Gezant overeenkomstig den inhoud Uwer missive van 13 dezer, Litt. A³. No. 31, heb ingelicht.

De Min. v. Buit. Z.
Voor den Minister

D4 The 'Koloniaal Verslag' of 1893 (extract)¹

[Submitted 19 September 1893]

...
In order to throw more light on the question of whether the depredations of the Papuans of the Tugeri tribe, about which the British had lodged complaints (cf. previous Report, pp.2-3 and 24), really had been conducted by people from our [i.e. Dutch] Territory, and if so to take the necessary steps to prevent a repetition, the Government of the Netherlands Indies decided to temporarily station a posthouder² with some armed police, as representatives of our authority, in a suitable place on the south coast of the island near the 141st degree East Longitude - the latter being the joint boundary. The posthouder was to gain knowledge of language, land, and people and to attempt by peaceful means to accustom the people to some form of order. If they really appeared guilty of having been involved in raids he should dissuade them from continuing their incursions.

In preparation for such a settlement or, if feasible, for immediately bringing about its establishment (the Government of Tidore had already been consulted in the matter and had consented to the plans), the warship Java was directed to the south coast in the second part of November 1892 while the Resident [of Ternate] went there on the Zeemeeuw with personnel who could be left behind at the frontier post. In connection with the establishment of a Mission station in the southern part of New Guinea which had been planned by the Roman Catholics as early as 1891 (cf. the Report of 1891, p.126 and that of 1892, p.113), the Zeemeeuw also provided passage for the missionary from Langgoer (Little Kei Islands) assigned to that Mission post. The missionary used the journey both to renew his acquaintance with the natives (the previous October he had made a trip to the south coast on the mail steamer Camphuys) and to judge whether the place where the Government station would be established should be substituted for the initially selected site of Moluka in the Marianne Strait. The Java, which had arrived on the south coast a few days before the Zeemeeuw, had had frequent visits from the coastal inhabitants, who rowed to the ship in great numbers, all the way east from the Marianne Strait to the village of Sileraka (or Selerika), which was mentioned in the report for the preceding year (p.24). In steaming further east to the 141st meridian, however, no villages, proas, or people were seen along the swampy coast. From the smoke rising here and there it could be surmised, however, that the land further inland was inhabited. On 6 December, after the arrival of the Zeemeeuw, the steam launch and a flat-bottomed boat penetrated inland along a little creek (named Java Creek) for about

¹ Netherlands, Koloniaal Verslag of 1893, Nederlandsch (Oost-) Indië, No.2, Chapter C, Par.18, pp.29-30. In this translation an attempt has been made to preserve the official style of the report.

² Rank of a lower official in charge of an outlying station.

Met het doel om meer licht te doen opgaan nopens de vraag, of de strooptochten der Papoea's van den Tugeristam, waarover van Britsche zijde was geklaagd (verg. vorig verslag blz. 2/3 en 24), werkelijk bedreven waren door lieden uit ons gebied, en in dat geval tegen eene herhaling daarvan te doen wat noodig zou blijken, besloot de Indische Regeering om op eene geschikte plaats ter zuidkust van het eiland nabij den 141sten graad Oosterlengte, zijnde de grens van het wederzijdsch gebied, als vertegenwoordiger van ons gezag voorloopig een posthouder met eenige gewapende politiedienaren te stationneeren, die in last zou hebben kennis omtrent taal, land en volk op te doen en te trachten langs vredelievenden weg de bewoners aan eenige orde te gewennen en - zoo zij zich werkelijk aan rooftochten mochten blijken schuldig te maken - zoo mogelijk door overreding hen daarvan af te brengen. Ter voorbereiding van zoodanige vestiging, of, indien het doenlijk bleek, met oogmerk om haar aanstonds tot stand te brengen (het rijksbestuur van Tidore was reeds in de zaak gekend en had met het voornemen ingestemd), werd in de tweede helft van November 1892 het oorlogsstoomschip Java naar de zuidkust gedirigeerd, terwijl de resident met het c. q. op de grenspost achter te laten personeel zich per Zeemeeuw derwaarts begaf. In verband met de reeds in 1891 van Rooms-katholieke zijde beoogde vestiging van een zendingspost in het zuidelijk deel van Nieuw-Guinea (verg. het verslag van 1891, blz. 126, en dat van 1892, blz. 113), werd door de Zeemeeuw ook passage derwaarts verleend aan den voor die missie bestemden missionaris van Langgoer (Klein-Kei), die de reis benuttigde om nader met de inboorlingen kennis te maken (in October te voren had de geestelijke reeds per mailboot Camphuys een tocht naar de zuidkust gemaakt) en ook ter beoordeeling of de aanvankelijk gekozen standplaats Moluka in de Marianne-sstraat zou verdienen vervangen te worden door de plaats waar het gouvernements-etablisement zou verrijzen. De Java, die eenige dagen vóór de Zeemeeuw ter zuidkust was aangekomen, had oostelijk van Straat Marianne tot aan de in 't vorig verslag (blz. 24) genoemde kampong Sileraka (of Selerika) met de in grooten getale naar het schip toeroeiende kustbewoners telkens vriendschappelijke aanrakingen gehad, doch bij het verder stoomen om de oost tot den 141sten lengtegraad werden langs de moerassige kust geen kampongs, prauwen of menschen gezien. Uit het opgaan van rook hier en daar viel echter af te leiden dat wel het diepere binnenland bewoond was. Op 6 December werd, nadat inmiddels ook de Zeemeeuw was aangekomen, op p.m. 1000 M. westelijk van de grens, met de stoombarkas en eene vlet - voor zooveel eene aldaar aangetroffen kreek (Java-kreek gedoopt) dit toeliet - p.m. 200 M. landwaarts in doorgedrongen, ook hier echter

200 metres but were prevented from going any further. Here, too, no inhabitants were encountered. Near the mouth of the creek, which was approximately 20 metres wide, there were jetties built out into the water, on one of which there were still remains of an extinguished fire. The return trip was begun after steaming another 200 metres beyond the border and it was sufficiently certain that at, or in the immediate neighbourhood of, the 141st meridian there was no settled population near the coast. Steaming westward, the first inhabited spot was located on 7 December. It was recognized as Selerika by the [former] posthouder from Patani (Halmaheira), who had arrived on the Zeemeeuw and had been appointed posthouder on New Guinea's south coast as well as by the above-mentioned missionary, both of whom had visited these regions once before by mail steamer.*

The very friendly way in which the Resident and the Commander of the Java (who, with a few others, including the posthouder and the missionary, had gone ashore) were received by the local population, led the Resident to select this spot for the intended preliminary settlement. During the following days a simple establishment was erected with material which had been brought by the ships and the willing assistance of the villagers, about 200 metres from the village. The official assigned to the new post as the representative of Netherlands authority was then installed while twelve armed police (pradjoerits), including two non-commissioned officers (Europeans), as well as ten convicts (also armed with Beaumont rifles) were placed at his disposal. In addition, the post was stocked for a period of three months.

Rough seas prevented any further communication between the ships and the shore from 12 December on. The Zeemeeuw, therefore, left Selerika on the 15th [of December] and returned to Ternate along the coastal route.

Awaiting calmer weather, the Java remained until the 16th [of December] and that day it was possible to deliver a supplement to the supply of stores to the posthouder as well as the latest instructions which had been left behind by the Resident. Then the Java also departed from Selerika and, after further contact with the coastal inhabitants at different points, anchored at Dobo (Aroe Islands) on 24 December.

The friendly disposition initially shown by the local population changed to hostility immediately after the Java's departure. Admittedly, during the first few days this only expressed itself in minor depredations and insignificant attacks on those who ventured outside the establishment; soon, however, it turned into more daring assaults by hordes of people armed with bows and arrows who had to be frightened away by rifle fire after the posthouder had been injured twice. That same day (20 December) a policeman was killed by snipers while two other persons of the garrison, who had gone to collect wood, were treacherously wounded. From then on, the post was under constant nightly siege. The greatest vigilance had to be exercised to protect the establishment and its small garrison - it already counted ten wounded, including the posthouder - from the Papuans who stalked the vicinity.

This situation would be untenable in the long run and no improvement could be expected. When the mail steamer Camphuys anchored off Selerika on 6 January 1893, the posthouder decided to abandon his station. He embarked the next day with his garrison and all supplies and arrived back in Ternate on 25 January with the police and convicts who had been assigned to him - except for the one [policeman] who had been killed.

* The posthouder the previous February (cf. previous Report, p.24).

zonder bewoners aan te treffen. Dicht bij de p.m. 20 M. breede monding van de kreek stonden in het water uitgebouwde vondors, op één waarvan nog de overblijfselen van uitgedoofd vuur. Nadat, toen de tocht nog tot p.m. 200 M. voorbij de grens was vervolgd, genoegzame zekerheid was verkregen dat aan of in de onmiddellijke nabijheid van den 141sten lengtegraad aan de kust geen bevolking gevestigd was, werd teruggekeerd en - westwaarts stoomende - op 7 December voor 't eerst eene bewoonde plek aangetroffen, welke ook door den met de Zeemeeuw medegekomen posthouder van Patani (Halmaheira), bestemd om op Nieuw-Guinea's zuidkust als posthouder op te treden, zoomede door den hooger bedoelden missionaris, die beiden deze streken reeds eenmaal met de mailboot bezocht hadden*), als Selerika herkend werd.

De zeer vriendschappelijke wijze, waarop de resident en de commandant der Java, die met eenige anderen, waaronder de posthouder en de missionaris, zich aan wal begaven, hier door de bevolking ontvangen werden, deed den resident besluiten om deze plaats te bestemmen voor de voorgenomen voorloopige vestiging. Nadat gedurende de volgende dagen van de medegenomen materialen op ongeveer 200 M. van de kampong een eenvoudig etablissement was opgericht, waarbij de bevolking bereidwillig hulp verleende, werd de voor de nieuwe vestiging bestemde ambtenaar als vertegenwoordiger van het Nederlandsch gezag geïnstalleerd, terwijl te zijner beschikking werden gesteld 12 gewapende politiedienaren (pradjoerits), waaronder 2 gegradueerden (Europeanen), benevens 10 (mede met Beaumont-geweer gewapende) dwangarbeiders. Voorts werd het etablissement voor drie maanden van vivres voorzien.

Van den 12den December af kon wegens de hooge zee tusschen de schepen en den wal geen communicatie meer plaats hebben, zoodat the Zeemeeuw den 15den Selerika voorgoed verliet en, langs de kust stoomende, naar Ternate terugkeerde.

In afwachting van kalmer weder bleef de Java nog tot den 16den en slaagde er dien dag in om den posthouder nog eene aanvulling van den vivres-voorraad en de laatste door den resident achtergelaten instructies te doen geworden. Daarna verliet ook de Java Selerika en kwam, na op de terugreis andermaal op verschillende punten aanrakingen met de kustbewoners te hebben gehad, den 24sten December te Dobo (Aroe) terug.

De vriendschappelijke gezindheid, aanvankelijk door de bevolking betoond, maakte na het vertrek van de Java aanstonds plaats voor eene vijandige houding, die wel is waar gedurende de eerste dagen zich slechts deed gevoelen door geringe rooverijen en weinig beteekenende aanvallen op hen die buiten het etablissement zich waagden, doch zich weldra uitte in stoutere aanrandingen door drommen van met pijl en boog gewapenden, die, nadat de posthouder zelf twee pijlwonden had gekregen, door geweschoten verjaagd moesten worden. Denzelfden dag (20 December) werd een pradjoerit door sluipmoord gedood en werden nog twee personen der bezetting, die hout waren gaan halen, op verraderlijke wijze verwond. Van toen af werd het etablissement elken nacht belegerd en moest de uiterste waakzaamheid betracht worden om de vestiging en hare kleine bezetting, die, met den posthouder, reeds 10 gewonden telde, tegen de voortdurend in grooten getale in den omtrek zich bewegende Papoea's te beschermen.

Daar deze toestand op den duur niet houdbaar was en verbetering niet was te verwachten, besloot de posthouder, toen de mailboot Camphuys den 6den Januari 1893 ter reede Selerika ter anker kwam, zijne standplaats te verlaten, en scheepte zich daartoe den volgenden dag met zijne bezetting en met medeneming van alle goederen aan boord van dien bodem in. Den 25sten Januari kwam de posthouder met al de hem toegevoegd geweest zijnde pradjoerits en dwangarbeiders, op één vermoorde na, te Ternate terug.

* De posthouder in Februari te voren (verg. vorig verslag blz. 24).

In the first days of January 1893, a telegraphic request to meet our authorities [i.e. Dutch] at Thursday Island in the Torres Strait for discussions of mutual concern had been received in Batavia from the Governor of Queensland. As a result of this request, the Java and the Zeemeeuw (with the Resident on board) again departed for the south coast of New Guinea via Thursday Island at the beginning of February. Our authorities arrived at Thursday Island on 19 January and Sir William MacGregor,³ the Administrator of British New Guinea, the next day.

The meeting which was highly appreciated by Sir William MacGregor appeared, from his point of view, to have as its main purpose a discussion of the idea of establishing, as far as possible, a natural boundary between the Netherlands and British territories in New Guinea. That was the reason the British (after an initial exchange of general ideas about contacts of our natives with their British neighbours), expressed the desire to steam jointly to the 141st meridian in order to search at, or near, the border for a point which would be recognizable in the terrain at all times and carefully determine its position. Due to unfavourable weather it was impossible to leave Port Kennedy (Thursday Island) before late afternoon on 25 February. Towards noon on the following day, the three ships (Sir William MacGregor, accompanied by a surveyor, on the colonial steam yacht Merry England⁴) anchored slightly west of the boundary, approximately near the above-mentioned Java Creek and about 35,000 metres off shore. The following morning the ships anchored closer (about 10,000 metres off shore) whereupon the sloops of the Merry England (in which were Sir William MacGregor and his surveyor) and our sloops (in which was Naval Lieutenant R. Posthumus Meyjes, assigned to the Java for astronomical observations) towards the shore to make astronomical observations and place determinations. Neither at Java Creek nor at the 141st meridian was it possible to carry out this task as the coast at both points was too muddy to place the instruments in position. Steaming further eastward, however, a rather prominent freshwater river, which Sir William MacGregor named the Bensbach, after our Resident, was discovered on British territory (about 5,000 metres from the border). Its right bank, consisting of hard sandy soil, provided a suitable terrain for setting up the instruments so observations for place determinations were possible.⁵ During the night the sloops of the Java returned to that ship while the British [staff] remained ashore. On the morning of the 28th [of February], Mr. Posthumus Meyjes went ashore again while the ships moved somewhat closer to the Bensbach River. At midnight the required observations were taken and as early as the next morning (1 March), Mr. Posthumus Meyjes was able to report that the correct position of the west bank of the river's mouth was 141° 1' 47.9" E.L. and 9° 7' 34.9" S.L. That same day the Resident, accompanied by the Commander of the Java and the Captain of the Zeemeeuw, made a trip to shore in the steam sloop; after a couple of hours the Bensbach River was reached and its course was followed for five miles. Neither our people nor Sir William MacGregor, who had gone ten miles upstream in his steam sloop, located open or inhabited spots anywhere along the banks. When our people returned to the mouth they found Sir William MacGregor preparing to return to his yacht, so all

³ MacGregor's name is consistently spelled as two words, in capitals, in the Dutch report.

⁴ Spelling as in original; actually Merrie England.

⁵ This appears an over-optimistic description of the terrain as is obvious from the comment by Lieutenant R. Posthumus Meyjes. See S.N.G.B., pp.64-5.

Als gevolg van een in de eerste dagen van Januari 1893 te Batavia ontvangen telegraphisch verzoek van den Gouverneur van Queensland om met onze autoriteiten eene ontmoeting te hebben bij Thursday-eiland in Torresstraat, ten einde over de wederzijdsche belangen overleg te plegen, zijn in de eerste helft van Februari de Java en de resident per Zeemeeuw opnieuw naar de zuidkust vertrokken, en wel via Thursday-eiland, waar onze autoriteiten den 19den van genoemde maand aankwamen en de Administrateur van Britsch Nieuw-Guinea, Sir William Mac Gregor, den volgende dag.

De ontmoeting, die door Sir William Mac Gregor zeer werd gewaardeerd, bleek van zijnen kant vooral ten doel te hebben mondelinge bespreking van het denkbeeld eener zooveel mogelijk natuurlijke grens tusschen het Nederlandsch en het Britsch gebied op Nieuw-Guinea, waarom dan ook, na eenige gedachtenwisseling in algemeenen zin over de aanrakingen van onze inboorlingen met hunne Britsche naburen, van Engelsche zijde het verlangen te kennen gegeven werd om gezamenlijk naar den 141sten lengtegraad te stoomen, ten einde op of nabij de grens een op het terrein te allen tijde herkenbaar punt te zoeken en daarvan nauwkeurig de ligging te bepalen. Daar het weder te ongunstig was, kon eerst in den namiddag van den 25sten Februari Port Kennedy (Thursday-eiland) worden verlaten. Tegen den middag van den 26sten ankerden de drie schepen (Sir William Mac Gregor, vergezeld van een opnemer, met het koloniale stoomjacht Merry England) iets westelijk van de grens ongeveer ter hoogte van de hooger bedoelde Java-kreek op p. m. 35.000 M. van den wal, en den volgende ochtend naderbij (op p. m. 10.000 M. van den wal), waarna de sloepen van de Merry England (waarin Sir William Mac Gregor en zijn opnemer) en onze sloepen (waarin de aan boord van de Java voor sterrekundige plaatsbepalingen gedetacheerde luitenant-ter-zee R. Posthumus Meyjes) zich naar den wal begaven tot het doen van waarnemingen en plaatsbepalingen. Noch bij de Java-kreek, noch op den 141sten lengtegraad gelukte het eene plaatsbepaling te verrichten, doordien de kust op beide punten te modderig was om de instrumenten op te stellen, doch verder oostwaarts stoomende werd, op Britsch gebied (p. m. 5000 M. van de grens), eene vrij aanzienlijke zoetwaterrivier ontdekt, welke door Sir William Mac Gregor, naar den naam van onzen resident, Bensbach-rivier werd gedoopt, en wier rechteroever, uit harden zandgrond bestaande, een geschikt opstellingsterrein aanbood, zoodat hier de waarnemingen tot plaatsbepaling geschieden konden. Des nachts kwamen de sloepen van de Java aan boord terug, terwijl de Engelschen aan wal verbleven. In den morgen van den 28sten begaf zich de heer Posthumus Meyjes andermaal naar den wal, terwijl de schepen zich intusschen eenigszins dichter bij de Bensbach-rivier gingen verplaatsen. Middernacht waren de vereischte waarnemingen verricht en reeds den volgende ochtend (1 Maart) kon genoemde zeeofficier berichten dat de juiste ligging van den westelijken oever der riviermonding was 141° 1' 47" 9 O.L. en 9° 7' 34" 9 Z.B. Den 1sten Maart werd door den resident, vergezeld van den commandant van de Java en den gezagvoerder van de Zeemeeuw, met de stoomsloep een rocht naar den wal gemaakt, en na een paar uren stoomens de Bensbach-rivier bereikt en deze vijf Engelsche mijlen opgevaren. Noch door de onzen, noch door Sir William Mac Gregor, die de rivier met zijne stoomsloep tien mijlen was opgestoomd, werden ergens aan een der oevers open of bewoonde plekjes aangetroffen. Aan de monding teruggekeerd, vonden de onzen aldaar Sir William Mac Gregor bezig zich gereed te maken om naar zijn jacht terug te gaan, zoodat allen de terugtocht naar boord gezamenlijk aanvaardden. De besprekingen, die nu gevoerd werden over het wenschelijke om de denkbeeldige grens van 141° O.L., althans aan de zeezijde, te vervangen door eene natuurlijke grens, hadden ten gevolge dat overeenstemming verkregen werd aangaande het denkbeeld - van de zijde van

made the journey back together. The discussions which then were held about the desirability of replacing the imaginary boundary of 141° E.L. (at least at the sea side) with a natural border, led to agreement concerning the idea of submitting to the two Governments the plan for changing the boundary in such a way that the 141st meridian, which cuts the British Fly River twice, in this portion should be replaced by that river, and further south by a new straight line, starting at the sea shore from the middle of the mouth of the newly discovered Bensbach River. This plan was submitted on the part of our authorities, however, with the express declaration that they did not want to be considered to be binding their Government thereby in any way.

The joint labours ended on 2 March and the British Administrator returned to his station via Port Kennedy after paying a visit to the Java and thanking the Resident cordially for the sympathetic way in which the Netherlands Indies Government had met his request for a discussion. In conclusion, he expressed the hope that our Government would try, as much as it was able, to halt the depredations by the natives from our side.

...

onze autoriteiten echter onder uitdrukkelijke verklaring dat zij niet geacht wenschten te worden het Gouvernement daardoor in eenig opzicht te binden - om aan de wederzijdsche Regeeringen het plan te onderwerpen betreffende eene wijziging van de grens, in dier voege dat de 141ste meridiaan, die de Engelsche Fly-rivier tweemaal snijdt, op dit gedeelte door genoemde rivier en zuidelijker door eene nieuwe rechte lijn zou vervangen worden, aan de zeekust uitgaande van het midden der monding van de nieuw ontdekte Bensbach-rivier. Den 2den Maart eindigde het gemeenschappelijk samenzijn en keerde de Engelsche Administrateur via Port Kennedy naar zijne standplaats terug, na een bezoek aan boord van de Java te hebben gebracht en na onzen resident in hartelijke bewoordingen bedankt te hebben voor de welwillende wijze waarop de Nederlandsch-Indische Regeering aan zijn verzoek tot mondelinge bespreking was tegemoet gekomen. Ook drukte hij ten slotte de hoop uit dat onze Regeering naar vermogen zou trachten rooverijen van de zijde der inboorlingen te doen uitblijven.

**D5 Sir William MacGregor to Sir Henry Norman. Despatch
reporting the proceedings in connection with the
delimitation of the boundary between British and
Dutch New Guinea¹**

s.s. "Merrie England",

No. 17.]

Thursday Island, 6 March, 1893.

SIR, - I have the honour to report that I arrived at Thursday Island on the 20th February to meet the officers despatched by the Netherlands Government to confer with respect to the British-Dutch boundary in New Guinea.

I found at Thursday Island the Dutch ship of war "Java", and the "Zeemeeuw", the yacht of the Resident of Ternate. They had arrived on the preceding day. Immediately after a visit to the Post Office to ascertain whether any special instructions had been forwarded to myself in connection with this matter, I went on board the "Zeemeeuw" to pay a visit to the Resident, J. Bensbach, Knight of the Military Order of William, and Knight of the Netherlands Lion. The "Java" was commanded by Captain Jansen van Afferden, Knight of the Military Order of William. It was arranged that we should meet next day to discuss some points connected with the question, and to arrange a course of action.

2. On the 21st, after examining charts and other papers, it was decided that, as soon as "sights" could be obtained at Thursday Island for rating chronometers, &c., that we should start for the boundary. The weather became extremely boisterous, so that it was not possible to leave harbour before the 25th at noon.

3. On the 26th the three vessels got up to about a dozen miles from the New Guinea coast, opposite the boundary district, and anchored in four fathoms of water. My colleagues were not ready to land that day; but as the weather was very fine this caused no inconvenience. On the following day the ships were taken three or four miles nearer to the coast, and preparations were made for landing by the steam launches of the "Java" and "Merrie England". It appears that the Dutch ship of war "Batavia" visited the locality many years ago, and marked a tree near the 141st degree of east longitude,² and that the "Java" recently went to what they supposed to be the same place, but they could not find the mark made by the "Batavia". In this way the Dutch officers knew approximately where the boundary was, and their opinion coincided with the conclusion arrived at by ourselves on previous visits to the district.

4. It was arranged that we should try to land at a small creek, now called the "Java Creek", about three miles west of the boundary, and that if landing there was impossible, we should proceed eastward until a suitable spot for observing should be found. The coast for half-a-dozen miles west of the Java Creek is swampy and covered by low, stunted, gnarled mangrove, of a light-green colour, a variety that seems to be peculiar to foreshore containing large quantities of coral sand. No landing could be effected in or near Java Creek on account of mud and swamp. The coast presented the same character for the next

¹ Annual Report on British New Guinea, 1892-3, Appendix E, pp.20-1.

² This was the expedition of Controleur J. van Oldenborgh in December 1880.

three or four miles, when we came on a large fresh-water creek, as to the existence of which we were all previously ignorant. This creek has received the name of the Dutch Resident, and is now known as "The Bensbach". Although there was no dry bank on the Bensbach it was decided to mount the observing instruments there. Both banks were covered by mangrove trees, and the highest ground was only a mixture of mud and sand, but there was a small space not covered by water at high tide. Lieutenant Meyjes, the professional observer accompanying the Dutch Resident, some of the officers of the "Java", Mr. Cameron, and myself established ourselves there, in the hope of being able to determine the position astronomically. Unfortunately the weather was wet and very unfavourable. The Dutch officers were provided with first-class instruments, by which an approximate position, sufficiently accurate for all practical purposes, could be obtained in a very short time. They were therefore able to return to the "Java" at night, but Mr. Cameron and myself, having very much smaller and less perfect instruments, were obliged to remain ashore for two days and nights to try to obtain, between the rain squalls, the sights necessary to establish the position with rough approximation. The mouth of the Bensbach is nearly two miles east of the 141st degree of east longitude, and in latitude about 90 degrees 7 minutes 35 seconds. It is about 150 yards wide at the mouth, and has about one fathom of water at low tide. At high water it is slightly brackish but is fresh at half tide. It is always fresh at about one mile up.

Although it is a fresh-water creek it never gets through the mangrove country, but it is possible to camp at many places on its banks within half-a-score of miles of the sea. Its general course is towards the north-east. At ten miles it is about sixty yards wide, and two fathoms deep at low tide. There is no trace of native occupation on it. It has no sago, cocoanut, or breadfruit trees. From its position this place at once suggested itself as a natural boundary between British and Dutch New Guinea. Its course is so short that only its mouth can be of use as the boundary, and to attempt to follow it as the dividing line would complicate matters, in extending the boundary further inland.

5. After considering the whole subject on the data at our disposal, and after Mr. Bensbach had visited the boundary, the Resident and myself agreed to recommend to our respective Governments that the boundary should be as follows:- Beginning on the south coast of New Guinea, at the middle of the mouth of the Bensbach River, which is about latitude 9 degrees 7 minutes 35 seconds south and longitude 141 degrees 1 minute 48 seconds east; proceeding thence northwards on the same longitude until the line meets the Fly River, about latitude 7 degrees south; thence following the Fly River until it reaches the 141st degree east longitude - about latitude 6 degrees 20 minutes south; thence along the 141st degree of east longitude to the point where the British, Dutch, and German boundaries meet on the 5th degree of south latitude.

6. The advantages of this modification would be very obvious. A small strip of useless British territory containing about 280 square miles would pass to the Netherlands, and some 280 square miles would be transferred from the Netherlands to the British Crown.

On the coast there would be a well-defined boundary that could not be lost or mistaken. It is a very suitable place for either British or Dutch boats to be posted in, to intercept marauders, as it would provide shelter, concealment, and water. It will be easier to teach natives on either side that they are not to pass that river. It would thus greatly assist the Dutch in getting the so-called Tugeri tribes under control. Recently the Dutch authorities have had very clear proof of the warlike character of this people. They placed a magistrate with a score of men at the Tugeri village of Silerika. At first they received the magistrate

in a friendly manner, but after a few weeks they attacked him, wounding the magistrate himself with two arrows, killing one man, and injuring ten others, so that the magistrate has been removed temporarily.

If these tribes are to set the Dutch Government at defiance, it will be of great advantage to the latter to have the boundary line at the mouth of the Bensbach. Anything that will facilitate the task of the Dutch Government in settling the Tugeri tribe will be of indirect advantage to the Queen's Government in British New Guinea, where the pacification of the Tugeri tribe is of much importance.

It is also very desirable that the small loop of territory east of the Fly should be made British territory. The day will undoubtedly come when the gold-seeker, and perhaps others, will proceed to the upper tributaries of the Fly. And if this takes place before the boundary is rectified there, awkward complications will arise. Two large tribes live on the piece of Dutch territory that lies east of the Fly, one at least of which is of an aggressive tendency towards travellers. When ascending and descending that part of the river, and when threatened by one of these tribes, I feel my hands half tied in dealing with them, as our traverse of the river put them on Netherlands territory. Other travellers would feel themselves at the same disadvantage. The Dutch Government would before long be called upon to control its subjects there - a matter involving great trouble and expense, and probably raising other vexatious questions, as the Dutch Government could reach them only through British territory. To make the Fly River the boundary there, so that the Dutch should possess no land east of the Fly, would relieve them of an awkward and troublesome responsibility, and would put it into the power of the Government of the Possession to control the river in spite of any of the tribes living on it. The changes proposed substitute as far as possible natural and workable boundaries; they are based on mutual concessions; they involve no loss to either Government, and they would possess manifest advantages. I therefore respectfully recommend them to the favourable consideration of Her Majesty's Government.

7. I enclose some details of the astronomical observations made at the mouth of the Bensbach, which should be put on record for future reference or verification.

I also forward herewith copies of the letters exchanged between Resident Bensbach and myself, in which we undertake to recommend for approval and adoption by our respective Governments the amended boundary proposed above.

The two maps accompanying this despatch will show: Map No.1, the position of the present, and of the proposed boundary; map No.2, the coast line of the district immediately adjoining the Bensbach, and the course of that river, ascended by me some half-score of miles.³

8. Throughout the whole of these proceedings I and my officers have uniformly met with the greatest kindness and courtesy from Resident Bensbach and Captain Van Afferden. These gentlemen took up the task in a frank and friendly spirit. It has been a great pleasure to me to be associated in this matter with an officer of the experience of Resident Bensbach, whose sympathies with the coloured races are as strong as his desire to ameliorate their condition. The practical good sense of Captain Van Afferden also contributed towards what I venture to hope Her Majesty's Government may consider a speedy and satisfactory solution of the question.

I have, &c.,

WM. MACGREGOR.

His Excellency Sir H. W. Norman, G.C.B., G.C.M.G., Brisbane.

³ Map No.1 is reproduced as Fig.10 in S.N.G.B.

**D6 Convention between Great Britain and the Netherlands defining
the boundaries between the British and Netherland possessions
in the island of New Guinea¹**

Signed at The Hague, May 16, 1895.

[Ratifications exchanged at The Hague, July 20, 1895.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and Her Majesty the Queen of the Netherlands, and, in her name, Her Majesty the Queen-Regent of the Kingdom, being desirous of defining the boundaries between the British and Netherland possessions in the Island of New Guinea, have resolved to conclude a Convention to that effect, and have appointed as their Plenipotentiaries for that purpose, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Sir Horace Rumbold, a Baronet of Great Britain, a Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, &c., &c., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of the Netherlands;

And Her Majesty the Queen-Regent of the Kingdom of the Netherlands, Jokheer Joan Röell, a Knight of the Order of the Netherland Lion, Minister of Foreign Affairs, and James Henry Bergsma, a Knight of the Order of the Netherland Lion, Minister for the Colonies;

Who, having produced their Full Powers, found in good and due form, have agreed upon the following Articles:-

ARTICLE I.

The boundary between the British and Netherland possessions in New Guinea starts from the southern coast of the said island at the middle of the mouth of the Bensbach River, situated at about 141° 1' 47.9" of east longitude (meridian of Greenwich).

ARTICLE II.

The boundary proceeds to the north, following the meridian which passes through the said mouth, up to the point where that meridian meets the Fly River.

ARTICLE III.

From that point the waterway ("thalweg") of the Fly River forms the boundary up to the 141st degree of east longitude.²

¹ Great Britain, House of Commons. Sessional Papers, vol. CIX (1895). C.-7834 (Treaty Series No. 12, 1895). In the original document the English and Dutch appear side by side on the page.

² By leaving out the geographical determinants of where the Fly River crosses and recrosses the 141st meridian, Article III introduces a dangerous ambiguity. See S.N.G.B., p. 68.

Hare Majesteit de Koningin van het Vereenigd Koninkrijk van Groot-Britannië en Ierland, Keizerin van Indië, en Hare Majesteit de Koningin der Nederlanden en in Hoogst-Derzelver naam Hare Majesteit de Koningin-Weduwe, Regentes van het Koninkrijk, wenshende de grenzen vast te stellen tusschen de Britsche en de Nederlandsche bezittingen op het eiland Nieuw-Guinea, hebben goedgevonden tot dat doel een verdrag te sluiten en hebben te dien einde tot Hoogst-Derzelver gevolmachtigden benoemd, te weten:

Hare Majesteit de Koningin van het Vereenigd Koninkrijk van Groot-Britannië en Ierland, Keizerin van Indië, Sir Horace Rumbold, Baronet van Groot-Britannië, Ridder Grootkruis van de zeer gedistingeerde Orde van St. Michael en St. George, Hoogst-Derzelver Buitengewoon Gezant en Gevolmachtigd Minister bij het Nederlandsche Hof;

En Hare Majesteit de Koningin-Weduwe, Regentes van het Koninkrijk der Nederlanden, Jonkheer mr. Joan Röell, Ridder der Orde van den Nederlandschen Leeuw, Minister van Buitenlandsche Zaken, en den Heer mr. Jakob Hendrik Bergsma, Ridder der Orde van den Nederlandschen Leeuw, Minister van Koloniën;

Die, na overlegging hunner in goeden en behoorlijken vorm bevonden volmachten, omtrent het volgende zijn overeengekomen:-

ARTIKEL I.

De grens tusschen de Britsche en de Nederlandsche bezittingen op Nieuw-Guinea begint op de zuidelijke kust van gezegd eiland in het midden van de monding der Bensbach Rivier, gelegen op ongeveer $141^{\circ} 1' 47.9''$ ooster lengte (meridiaan van Greenwich).

ARTIKEL II.

De grens strekt zich noordwaarts uit langs den meridiaan, die door het midden van genoemde monding loopt, tot aan het snijpunt van dien meridiaan met de Fly Rivier.

ARTIKEL III.

Van dat punt vormt de "thalweg" der Fly Rivier de grens tot aan den 141^{sten} graad ooster lengte.

ARTICLE IV.

The 141st degree of east longitude after this forms the boundary up to the point of intersection of the boundaries of the British, Netherland, and German possessions.

ARTICLE V.

Navigation on the Fly River is free for the subjects of both Contracting Powers, excepting as regards the carriage of warlike stores, and no duty shall be imposed on other goods conveyed by that river.

ARTICLE VI.

The present Convention shall be ratified, and shall come into force immediately after the exchange of the ratifications which shall take place at the Hague a month, or less if possible, after the Convention shall have been approved by the States-General of the Netherlands.

In witness whereof, the Undersigned have signed the present Convention, and have affixed thereto their seals.

Done at the Hague, in duplicate, this 16th day of May, 1895.

(L.S.) HORACE RUMBOLD.

(L.S.) J. RÖELL.

(L.S.) J. BERGSMA.

ARTIKEL IV.

De 141^{ste} graad ooster lengte vormt vervolgens de grens tot aan het snijpunt van de grenzen der Britsche, Nederlandsche, en Duitsche bezittingen.

ARTIKEL V.

De scheepvaart op de Fly Rivier is vrij voor de onderdanen der beide Contracteerende Mogendheden, uitgezonderd voor het vervoer van oorlogsmaterieel, en geenerlei rechten zullen geheven worden van de andere goederen, welke over die rivier vervoerd zullen worden.

ARTIKEL VI.

De tegenwoordige overeenkomst zal bekrachtigd worden en zij zal in werking treden onmiddellijk na de uitwisseling der akten van bekrachtiging, welke te 's Gravenhage zal plaats hebben eene maand of, zoo mogelijk vroeger, nadat de overeenkomst door de Nederlandsche Staten-Generaal zal zijn goedgekeurd.

Ten blijke waarvan de wederzijdsche gevolmachtigden dezelve hebben onderteeekend en van hunne zegels voorzien.

Gedaan, in dubbel, te 's Gravenhage, den 16[den] Mei, 1895.

(L.S.) HORACE RUMBOLD.

(L.S.) J. RÖELL.

(L.S.) J. BERGSMA.

D7 Presentation of the Convention of 1895 in the Second and First Chambers of the States General, The Hague, June-July 1895¹

[A. Second Chamber]

...
(191.3.)

EXPLANATORY [MINISTERIAL] MEMORANDUM

[3 June 1895]

In the Koloniaal Verslag of 1893, which was submitted by the previous Minister of Colonies with his official letter of 19 September 1893, one finds (on pp.29-30)² a detailed account of a meeting requested by the Governor of Queensland which was held in February 1893 between the Administrator of British New Guinea, Sir William MacGregor,³ and the Resident of Ternate. Its purpose was to discuss mutual interests in an improved boundary regulation between the British and Netherlands territories in New Guinea.

In the conclusion of the account it was reported that "the discussions which were held between Sir William and the Resident about the desirability of replacing the imaginary boundary" - adopted between the Dutch and British possessions in New Guinea - "of 141° E.L. (at least at the sea side) with a natural border, led to agreement concerning the idea of submitting to the two Governments the plan for changing the boundary in such a way that the 141st meridian, which cuts the British Fly River twice, in this portion should be replaced by that river, and further south by a new straight line, starting at the sea shore from the middle of the mouth of the newly discovered Bensbach River. This plan was submitted on the part of our [i.e. Dutch] authorities, however, with the express declaration that they did not want to be considered to be binding their Government thereby in any way."

In the course of the previous summer, the Government of Great Britain had returned to the matter with the proposal to confirm the border change, contemplated in the above meeting, through an Exchange of Notes. The Netherlands Government then declared its willingness to accept this idea, but declared at the same time that, as this involved a change in the territory of the State, it was necessary, on the basis of the second paragraph of Article 59 of the Constitution, to conclude a formal agreement which required the approval of the States General.

¹ Netherlands, Bijlagen tot de Handelingen der Staten-Generaal, 1894-5, Second Chamber, 191.3, 191.4, and 191.5 and Netherlands, Handelingen der Staten-Generaal, 1894-5, First Chamber, pp.352, 357. Omitted are 191.1, containing the royal message, and 191.2, containing the Convention with the Dutch and English text. (For the latter see Doc. D.6.) The Convention was approved by the Second Chamber 'without discussion and without a roll call vote' on 26 June 1895 (p.1413) and by the First Chamber on 11 July 1895. It became law on 12 July 1895.

² See Doc. D.4.

³ In the original text MacGregor's name was spelt with a capital M, and small capitals for the rest of the word.

[A. Tweede Kamer].

...
(191.3.)

MEMORIE VAN TOELICHTING.

In het Koloniaal Verslag van 1893, dat door den vorigen Minister van Koloniën, bij missive van 19 September van dat jaar, is ingezonden, komt (bladz. 29 en 30) een uitvoerig bericht voor, betreffende eene ontmoeting, die in Februari 1893, op verzoek van den Gouverneur van Queensland heeft plaats gehad tusschen den administrateur van Britsch Nieuw-Guinea, Sir WILLIAM MACGREGOR, en den resident van Ternate, ten einde overleg te plegen nopens de wederzijdsche belangen bij eene verbeterde grensregeling tusschen het Britsch en het Nederlandsch gebied op Nieuw-Guinea.

Aan het slot van het bericht werd medegedeeld dat, "de besprekingen tusschen Sir WILLIAM en gezegden resident gevoerd over de wenschelijkheid om de" - tusschen de Nederlandsche en Britsche bezittingen op Nieuw-Guinea aangenomen - "denkbeeldige grens van 141° O.L., althans van de zeezijde te vervangen door eene natuurlijke grens, ten gevolge hebben gehad dat overeenstemming verkregen werd aangaande het denkbeeld - echter van de zijde onzer autoriteit onder uitdrukkelijke verklaring dat zij niet geacht wenschte te worden het Gouvernement daardoor in eenig opzicht te binden - om aan de wederzijdsche Regeeringen het plan te onderwerpen, betreffende eene wijziging van de grens, in dier voege, dat de 141° meridiaan die de Engelsche Fly-rivier twee malen snijdt, op dit gedeelte door genoemde rivier en zuidelijker door eene nieuwe rechte lijn zou vervangen worden, aan de zee kust uitgaande van het midden der monding van de nieuw ontdekte Bensbach-rivier."

In den loop van den vorigen zomer is de Regeering van Groot-Britannië op die aan gelegenheid teruggekomen, met het voorstel om door middel eener uitwisseling van nota's de in bovenvermelde bijeenkomst beraamde grenswijziging te bekrachtigen. De Nederlandsche Regeering heeft zich toen bereid verklaard op het denkbeeld in te gaan, doch heeft tevens te kennen gegeven dat, vermits het gelden zou wijziging te brengen in het grondgebied van den Staat, daartoe, op grond van het bepaalde bij het tweede lid van artikel 59 der Grondwet, eene formeele overeenkomst moest worden gesloten, waarop de goedkeuring der Staten-Generaal zou moeten worden verkregen.

On this basis the agreement, assent of which is now requested, was signed on 16 May 1895.

According to Article I of that agreement the projected boundary between the Netherlands and British parts of New Guinea will begin at the south coast of that island in the middle of the mouth of the recently discovered Bensbach River. This mouth is located at about 141° 1' 47.9" E.L. (meridian of Greenwich).

A conclusive determination of the spot where this river enters the sea has not yet been achieved, so that its indication could only be determined approximately by adopting the average result of the various astronomical observations which took place at the time of the above-mentioned meeting.

The word "ongeveer" ["about"] had to be used in Article I, therefore, in order to prevent difficulties which could develop if, at a later period, the exact determination of the mouth of the Bensbach River disagreed with the one mentioned in the Agreement.

According to Article II the meridian which runs through the middle of the above-mentioned mouth forms the boundary Northward to the point of intersection with the Fly River; and, according to Article III, the "Thalweg" of this river then forms the boundary up to the 141° E.L., which further remains the border to the point where the Netherlands, British, and German territories meet each other (Article IV).⁴

By this border delimitation both sides will transfer some territory. The Netherlands receives the strip of land which lies between 141° and about 141° 1' 47.9" E.L. (meridian of Greenwich) from the sea coast to the Fly River; it cedes to Great Britain the territory east of the "Thalweg" of that river, located between the two points where the river intersects the 141st meridian. The area of the territories to be ceded by each side is practically equal in size.

In order to clarify the above a map is attached which indicates the projected border change and also the territory to be transferred by both sides.⁵

Whereas the "Thalweg" of the Fly River will form part of the boundary and, as a consequence, all territory located East of the "Thalweg" of that part of the river will be transferred to Great Britain, it has been stipulated in Article V that the navigation along the whole course of that river will be free to the subjects of both contracting Powers, with the sole exception of warlike stores, while no duties can be imposed [on other goods] conveyed by that river.

The Minister of Foreign Affairs,

J. ROELL.

The Minister of Colonies,

BERGSMA.

⁴ The Explanatory Memorandum hereby confirms the definition of Article III of the treaty which could lead to ambiguity. See S.N.G.B., pp.67-8.

⁵ The map conveys the actual intent of the treaty-makers better than Article III and the statement made in the Explanatory Memorandum.

Dienvolgens heeft op 16 Mei 1895 de onderteekening plaats gehad der overeenkomst, waarop thans goedkeuring wordt gevraagd.

Volgens artikel 1 dier overeenkomst zal de ontworpen grens tusschen het Nederlandsche en het Britsche gedeelte van Nieuw-Guinea aanvangen ter zuidkust van dat eiland in het midden van de monding der onlangs ontdekte Bensbach-rivier, welke monding gelegen is op ongeveer $141^{\circ} 1' 47'' 9$ O.L. (meridiaan van Greenwich).

Eene absolute bepaling van de plaats waar die rivier in zee valt is vooralsnog niet verkregen kunnen worden, zoodat de aanwijzing daarvan slechts bij benadering is kunnen worden vastgesteld, door aanneming van den gemiddelden uitslag der verschillende opmetingen, die bij gelegenheid van bovenvermelde ontmoeting hebben plaats gehad.

Het woord "ongeveer" is derhalve in artikel 1 gebezigd moeten worden, ten einde moeilijkheden te voorkomen, die zouden kunnen ontstaan, indien later blijken mocht dat de juiste bepaling van de monding der Bensbach-rivier niet in overeenstemming is met de in de overeenkomst voorkomende aanwijzing.

Volgens artikel 2 vormt de meridiaan, die door het midden van bovenvermelde monding loopt, de grens Noordwaarts tot aan het punt van snijding met de Fly-rivier, en, volgens artikel 3 maakt de "Thalweg" dezer rivier vervolgens de grens uit tot aan den 141° graad O.L., die verder de grens blijft vormen tot aan het punt, waar het Nederlandsch, het Britsch en het Duitsch gebied elkander ontmoeten (artikel 4).

Door die grensregeling zal van weerszijden eenig gebied worden overgedragen; terwijl aan Nederland wordt gebracht de strook lands, zich tusschen 141° en ongeveer $141^{\circ} 1' 47'' 9$ O.L. (meridiaan van Greenwich) uitstrekkend van de zeekust tot aan de Fly-rivier, wordt dezerzijds aan Groot-Britannië afgestaan het gebied, ten oosten van den "Thalweg" dier rivier, gelegen tusschen de beide punten waar de rivier den 141° meridiaan doorsnijdt. De oppervlakte van het gebied, dat over en weder wordt afgestaan, is overigens nagenoeg gelijk.

Tot verduidelijking van het vorenstaande wordt hierbij gevoegd eene kaart, de ontworpen grensregeling aanwijzend, evenals het van weerszijden over te dragen grondgebied.

Terwijl de "Thalweg" der Fly-rivier gedeeltelijk de grens zal uitmaken en mitsdien aldaar het ten Oosten van dien "Thalweg" gelegen gedeelte dier rivier aan Groot-Britannië overgaat, is daarentegen bij artikel 5 bedongen dat de vaart over den geheelen loop dier rivier voor de onderdanen der beide contracteerende Mogendheden, alleen met uitzondering van het vervoer van oorlogsmaterieel, vrij zal zijn, terwijl op die rivier geenerlei rechten geheven zullen mogen worden.

De Minister van Buitenlandsche Zaken,

J. ROELL.

De Minister van Koloniën,

BERGSMA.

(191.4.)

REPORT [OF THE COMMITTEE OF RAPPOREURS].⁶

[21 June 1895]

The examination of this Bill in the sections of the Chamber resulted in the following comments.

Several Members claimed to attach very little value to the small strip of land which was offered to us in exchange for part of the left bank [sic] of the Fly River. They would have preferred compensation in some other form, and were even of the opinion that there would be no objection to a simple cession of the piece of territory which will be ceded to Britain according to the treaty which is presented for approval. Other Members, however, objected to the latter proposal on principle.

The question was raised as to whether it may not be important to us that a certain part of the Fly River continues to run wholly through Netherlands territory.

Members in several of the sections did not think that the Bensbach River formed a suitable border demarcation as its location was only "ongeveer" ["approximately"] known. Other Members were of the opinion that on a wild coast a river of undoubted identity is a very good border demarcation, even though its astronomical position had not yet been determined with complete accuracy.

In connection with this discussion, Members recalled that according to the Yearbook of the Royal Netherlands Navy 1892-1893, p.531, Her Majesty's Java had visited that coast in the beginning of 1893 and that at that time the location of the mouth of the Bensbach River had been astronomically determined at 141° 1' 47.9" E.L. and 9° 7' 34.9" S.L. The question was raised whether this determination could not be considered as being completely precise.

According to the Explanatory Memorandum, the Netherlands Government was of the opinion that this border change could not come into force by an Exchange of Notes, as approval of the States-General was needed for the Agreement. With regard to this it was stated that the exchange of such Notes also could be approved by the States General; it was doubted whether this body could approve only a formal Agreement.

Finally the question was raised whether the boundary between Netherlands and German New Guinea was sufficiently firm.

With reference to the articles of the Treaty the following comments were made.

Art. II. According to the Dutch text the boundary will run through the middle of the Fly River mouth [sic]. The English text does not use the word middle, but "through the said mouth". Uniformity of expression would seem desirable.

Art. IV. In this article reference is made to the "snijpunt" [point of intersection] of the boundaries of the Netherlands, British, and German possessions. To some Members the term "ontmoetingspunt" [meeting point] appeared more accurate.

⁶ All Members of the Second Chamber (except its Chairman) used to be divided by lot among the five sections charged with the preliminary consideration of Bills. Each section appointed a rapporteur and the five rapporteurs acting as a committee wrote the published report which incorporated the various matters that were raised in the sections. See E. van Raalte, The Parliament of the Kingdom of the Netherlands (sponsored by the Hansard Society for Parliamentary Government) (The Hague, 1959), p.168.

(191.4.)

VERSLAG.

Het onderzoek van dit wetsontwerp gaf in de afdeelingen der Kamer aanleiding tot de volgende opmerkingen.

Verscheidene leden verklaarden aan de smalle strook gronds, die ons in ruil voor een gedeelte van den linkeroever der Fly-rivier wordt aangeboden, zeer weinig waarde te hechten. Zij zouden de voorkeur hebben gegeven aan compensatie in eenigen anderen vorm, en meenden zelfs, dat tegen eenvoudigen afstand van het stuk grond, dat krachtens het ter goedkeuring aangeboden verdrag aan Engeland zal komen, geen bezwaar zou bestaan. Tegen dit laatste denkbeeld kwamen andere leden, ter wille van het beginsel, op.

De vraag werd gedaan, of het voor ons van geen belang kan zijn, dat de Fly-rivier voor een gedeelte geheel door Nederlandsch grondgebied blijft loopen.

In verschillende afdeelingen waren leden, die de Bensbach-rivier, zoolang daarvan de ligging slechts "ongeveer" bekend is, geen geschikte grensscheiding achtten. Andere leden waren van oordeel, dat op eene wilde kust, eene rivier, waarvan de identiteit niet twijfelachtig is, eene zeer goede grenscheiding is, ook al is de opmeting nog niet met volkomen juistheid geschied.

In verband met deze bespreking werd er aan herinnerd, dat blijkens het Jaarboek van de Koninklijke Nederlandsche Zeemacht 1892-1893, bladz. 531, Harer Majesteits flottielje-vaartuig Java in den aanvang van 1893 die kust bezocht, en dat toen de plaats der monding van de Bensbachrivier astronomisch werd bepaald op $141^{\circ} 1' 47''$, 9 O.L. en $9^{\circ} 7' 34''$, 9 Z.B. Gevraagd werd of deze plaatsbepaling niet als volkomen nauwkeurig is aan te merken.

Blijkens de Memorie van Toelichting was de Nederlandsche Regeering van oordeel, dat deze grensverandering niet bekrachtigd kon worden door uitwisseling van Nota's, aangezien de goedkeuring der Staten-Generaal op de overeenkomst moest worden verkregen. Naar aanleiding hiervan werd opgemerkt, dat ook de uitwisseling van dergelijke Nota's door de Staten-Generaal kan worden bekrachtigd; dat deze alleen eene formeele overeenkomst zouden kunnen goedkeuren, betwijfelde men.

Eindelijk werd gevraagd, of de grens tusschen Nederlandsch en Duitsch Nieuw-Guinea voldoende vaststaat.

Naar aanleiding van de artikelen van het verdrag werd nog het volgende in het midden gebracht.

Art. II. Volgens den Hollandschen tekst zal de grens loopen door het midden van de monding der Fly-rivier. De Engelsche tekst vermeldt het woord midden niet ("through the said mouth"). Eenheid van uitdrukking ware wenschelijk.

Art. IV. In dit artikel wordt gesproken van het "snijpunt" van de grenzen der Nederlandsche, Britsche en Duitsche bezittingen. Het kwam sommigen leden juister voor te spreken van "ontmoetingspunt".

Art. V. The Dutch text did not seem completely correct. The meaning is freedom [of navigation] for the goods carried langs [along] the Fly River ("goods conveyed by that river" in the English text). This clause does not apply to goods which, for example, are carried from British territory "over" [across] the Fly River to Netherlands territory.

With the above comments the Committee of Rapporteurs considers that the public discussion of this Bill is sufficiently prepared.

Done 21 June 1895.

BEELAERTS VAN BLOKLAND.
F. VAN BYLANDT.
SMIDT.
CREMER.
TYDEMAN.

(191.5.)

MINISTERIAL ANSWER TO THE REPORT
[OF THE COMMITTEE OF RAPPORTEURS]

(Submitted by letter of 24-25 June 1895.)

In answer to the comments which were made in the examination of this Bill in the sections of the Chamber, the undersigned have the honour to submit the following.

The Members who would have preferred compensation in another form, or even simple cession of the projected exchange of territory, probably overlooked the fact that shifting the beginning of the south coast boundary to the Bensbach River - which is one of the advantages of the Convention because a natural starting point is acquired therewith - makes it mandatory in the interest of a good, i.e. simple, border demarcation to add to Netherlands territory the small strip of land referred to in the Report. The value of that strip from an economic point of view can, therefore, be left out of consideration. It certainly is minor, but not more so than that of the territory to be ceded in the bend of the Fly River.

The undersigned further fail to see what special importance there could be for the Netherlands in letting part of the Fly River continue to run wholly through Netherlands territory. Of far greater significance than the strip of land that will be ceded is, with an eye to the future, the free navigation on the whole of the Fly River which is guaranteed to the Netherlands by the treaty.

Mention is made on p.530 (not p.531) of the Yearbook of the Royal Netherlands Navy 1892-1893 that the west side of the mouth (and not the mouth, as is stated in the Report) of the Bensbach River was astronomically determined at 141° 1' 47.9" E.L. and 9° 7' 34.9" S.L. The middle of the mouth where the boundary begins is located, therefore, at "ongeveer" ["about"] the longitude and latitude mentioned. In addition, however, the astronomical determination (as was already stated in the Explanatory Memorandum) is an average of three determinations which had differed slightly. This is the reason why it is impossible to speak of complete accuracy, which is always the case with any measurement of this type. For the determination of the boundary this does not matter much, however, because the identity of the river is absolutely certain.

Art. V. De Hollandsche tekst scheen niet volkomen juist. Bedoeld is vrijdom voor de goederen vervoerd langs de Fly-rivier ("goods conveyed by that river"). Op goederen, die bijv. uit het Britsche gebied "over" de Fly-rivier naar het Nederlandsche territoir vervoerd worden, heeft deze bepaling geen betrekking.

Met de mededeeling van het bovenstaande acht de Commissie van Rapporteurs de openbare beraadslaging over dit wetsontwerp voldoende voorbereid.

Aldus vastgesteld den 21sten Juni 1895.

BEELAERTS VAN BLOKLAND.

F. VAN BYLANDT.

SMIDT.

CREMER.

TYDEMAN.

(191.5.)

NOTA TER BEANTWOORDING VAN HET VERSLAG.

[Ingezonden bij brief van 24/25 Juni 1895.]

Ter beantwoording van de opmerkingen waartoe het onderzoek van dit wetsontwerp in de afdeelingen der Kamer aanleiding heeft gegeven, hebben de ondergeteekenden de eer het volgende te doen strekken.

De leden die boven de ontworpen ruiling van grondgebied de voorkeur zouden gegeven hebben aan compensatie in anderen vorm of zelfs aan eenvoudigen afstand, zagen waarschijnlijk voorbij, dat het verleggen van de plaats van aanvang der grens aan de Zuidkust naar de Bensbach-rivier - dat een der voordeelen van het tractaat is, omdat nu een door de natuur aangewezen punt van aanvang wordt verkregen - het in het belang van eene goede, dat is eenvoudige, grensregeling onontbeerlijk maakt, om de smalle strook gronds waarop in het Verslag wordt gedoeld aan het Nederlandsche grondgebied toe te voegen. De waarde dier strook gronds uit een oeconomisch oogpunt kan dus buiten beschouwing blijven. Zij is zeker gering, maar niet geringer dan die van het af te staan gebied in de bocht der Fly-rivier.

De ondergeteekenden zien voorts niet in welk bijzonder belang er voor Nederland aan verbonden zou kunnen zijn als een gedeelte der Fly-rivier geheel door Nederlandsch grondgebied bleef loopen. Van veel meer belang dan de strook gronds die zal worden afgestaan is, met het oog op de toekomst, de bij het tractaat aan Nederland gewaarborgd wordende vrije scheepvaart op de geheele Fly-rivier.

Op bladz. 530 (niet 531) van het Jaarboek van de Koninklijke Nederlandsche Zeemacht 1892-1893, is vermeld dat de westkant der monding (en niet de monding, zooals in het Verslag wordt gezegd) van de Bensbach-rivier astronomisch werd bepaald op $141^{\circ} 1' 47''$, 9 O.L. en $9^{\circ} 7' 34''$, 9 Z.B. Het midden der monding, waar de grens aanvangt ligt dus op "ongeveer" de bedoelde lengte en breedte. Maar bovendien is, zooals reeds in de Memorie van Toelichting werd opgemerkt, de opgegeven plaatsbepaling een gemiddelde van drie onderling een gering verschil opgeleverd hebbende bepalingen, en daarom reeds niet als volkomen nauwkeurig aan te merken, wat trouwens met elke meting van dezen aard het geval is. Voor de grensbepaling doet dit echter weinig af, omdat de identiteit der rivier volkomen vaststaat.

From the Explanatory Memorandum it was concluded that the Government was of the opinion that this border alteration could not be brought into force by an Exchange of Notes because it was necessary to acquire the approval of the States General on the Agreement. In reaching this conclusion more was read into the Memorandum than was intended. The matter is simply this: the British Government proposed an Exchange of Notes whereupon the Netherlands Government declared that, since a change in the State's territory was involved, it desired to conclude a formal agreement for which the approval of the States General was required.⁷ It seems justifiable that in such an important matter as a change of territory of the State, a form is chosen which excludes any doubt as to its binding force.

Otherwise, the Government shares the opinion that as soon as the State is bound as such - irrespective of the form in which this occurs - the approval of the States General is necessary in the cases provided for in Art. 59, par. 2 of the Constitution.

Regarding the boundary between Netherlands and German New Guinea, it may be noted that this boundary was not involved in the treaty under consideration.

Yet, the undersigned are of the opinion that although no Convention exists between the Netherlands and Germany concerning the joint border, this boundary still is defined by international law. Indeed, in a settlement signed in London between Great Britain and Germany on 25-29 April 1885 in order to indicate the border between the joint possessions in New Guinea, Britain specifically recognized the 141st meridian of E.L. as the Netherlands boundary ("the 141st meridian of east longitude, which divides the Dutch possession from the rest of the island") while Germany tacitly confirmed this recognition. See [G.F. de] Martens, N.R.G. [Nouveau recueil général de traités], Series II, Vol. XI, p. 469.

The German Government in the above-mentioned diplomatic document only mentions the 141st meridian of E.L., but in the official communication from the German Chargé d'Affaires here [in The Hague] dated 26 December 1884 concerning the taking possession of the north-eastern part of New Guinea, it is stated that the German territory is located towards the East of the Netherlands boundary. From these two documents, read in conjunction, it seems indisputable that the German Government recognized the 141st meridian of East Longitude as the boundary of Netherlands territory.⁸

With regard to the comments on the articles of the treaty, the following can be said:

Art. II. Since Art. I of the English text states, in complete agreement with the Dutch text, that the boundary begins "at the middle of the mouth of the Bensbach-river", the absence of the words "middle of" in Art. II is unimportant.

Art. IV. The word "ontmoetingspunt" [meeting point] may be more correct than the word "snijpunt" [point of intersection], but it seems unlikely that the meaning of the term will ever be open to doubt.

Art. V. The expression "by that river" can be translated in Dutch just as well with "over" as with "langs die rivier".

⁷ This is not the exact wording of the Memorandum from Roell to British Envoy Rumbold. See S.N.G.B., p. 67.

⁸ That this statement contains a considerable amount of bluff is evident from subsequent Dutch attempts (1895-1936) to have the northern part of the border defined in a formal treaty or Exchange of Notes.

Uit de Memorie van Toelichting heeft men opgemaakt, dat de Regeering van oordeel was, dat deze grensverandering niet bekrachtigd kon worden door uitwisseling van Nota's, aangezien de goedkeuring der Staten-Generaal op de overeenkomst moest worden verkregen. Intusschen las men op die wijze in de Memorie meer dan in hare bedoeling lag. De zaak is eenvoudig deze: De Britsche Regeering stelde eene wisseling van Nota's voor, waarop de Nederlandsche te kennen gaf, dat zij, vermits het gold wijziging te brengen in het grondgebied van den Staat, eene formeele overeenkomst wenschte te sluiten, waarop de goedkeuring der Staten-Generaal zou moeten worden verkregen. Men zal het toch wel billijken, dat bij eene zoo gewichtige aangelegenheid als eene wijziging van het grondgebied van den Staat een vorm worde gekozen, die elken twijfel zelfs aan zijne bindende kracht uitsluit.

Overigens deelt de Regeering de meening, dat, zoodra de Staat als zoodanig gebonden wordt - ongeacht den vorm waarin zulks is geschied - de goedkeuring der Staten-Generaal noodig is in de gevallen, voorzien bij art. 59, alinea 2, der Grondwet.

Wat betreft de grens tusschen Nederlandsch- en Duitsch Nieuw-Guinea, zoo zij opgemerkt, dat die bij het onderhavig tractaat niet is betrokken.

Intusschen meenen de ondergeteekenden, dat, ofschoon tusschen Nederland en Duitschland omtrent de wederzijdsche grens geen tractaat bestaat, die grens toch volkenrechtelijk is omschreven. Immers bij eene schikking tusschen Groot-Britannië en Duitschland op 25/29 April 1885 te Londen geteekend tot aanwijzing der grens tusschen de wederzijdsche bezittingen in Nieuw-Guinea, is van Engelsche zijde de 141ste meridiaan O.L. uitdrukkelijk als de Nederlandsche grens erkend ("the 141st meridian of east longitude, which divides the Dutch possessions from the rest of the island") terwijl van Duitsche zijde deze erkenning stilzwijgend wordt bevestigd (zie Martens, N.R.G., serie II, tome XI, p. 469).

De Duitsche Regeering spreekt in het hierbedoelde diplomatieke stuk alleen van den 141sten graad Oosterlengte, doch in de officieele mededeeling van den Duitschen zaak-gelastigde alhier, van den 26 December 1884, betreffende de inbezitneming van het noordoostelijk deel van Nieuw-Guinea, wordt gezegd dat het Duitsche gebied gelegen is ten Oosten van de grens met het Nederlandsche. Uit deze beide stukken in onderling verband blijkt dus onbetwistbaar, dat de Duitsche Regeering den 141sten graad Oosterlengte als de grens van het Nederlandsche gebied erkent.

Naar aanleiding van de aanmerkingen op de artikelen van het verdrag zij verder het volgende aangeteekend:

Art. II. Aangezien in art. 1 van den Engelschen tekst, in overeenstemming met den Hollandschen staat, dat de grens begint "at the middle of the mouth of the Bensbach-river" is het ontbreken van de woorden "middle of" in art. II zonder belang.

Art. IV. Het woord "ontmoetingspunt" moge juister zijn dan het woord "snijpunt", over de bedoeling der bepaling zal wel nimmer twijfel kunnen ontstaan.

Art. V. De uitdrukking "by that river" kan evengoed met "over" als met "langs die rivier" vertaald worden.

The Dutch text, therefore, cannot be considered incorrect and it does not seem that it will ever give rise to misunderstanding since, in the beginning of the article, it is stated that the navigation "op" [on] the Fly River is free for the subjects of both contracting Powers.

The Minister of Foreign Affairs,

J. ROELL.

The Minister of Colonies,

BERGSMA.

[B. First Chamber]

FINAL REPORT OF THE COMMITTEE OF RAPORTEURS ON THE BILL FOR APPROVAL OF THE AGREEMENT, CONCLUDED 16 MAY 1895 AT THE HAGUE BETWEEN THE NETHERLANDS AND GREAT BRITAIN AND IRELAND, TO REGULATE THE BOUNDARY BETWEEN THE NETHERLANDS AND BRITISH TERRITORY IN NEW GUINEA. (191)

[10 July 1895]

1. In general there was approval of this Bill. However, some Members of one section wondered whether it was desirable to make a boundary arrangement in a territory as little known as New Guinea. By this arrangement a particular strip of land becomes Netherlands territory and the Netherlands will be accountable for what happens in this territory.

According to other Members the experience gained by the Netherlands as a colonial Power does not prove the soundness of that objection.

2. In Art. III of the Agreement the term "Thalweg" is used. The English text states: "waterway (Thalweg)". What is meant by "Thalweg"? Could no Dutch term be found instead? If not, would it not have been preferable to paraphrase the concept in Dutch rather than use a foreign word?

Done 10 July 1895.

BERGSMA.

ENGELBERTS.

SASSEN.

ALBERDA VAN EKENSTEIN.

A. PRINS.

De Hollandsche tekst kan dus niet als onjuist worden beschouwd en zal ook wel nimmer aanleiding kunnen geven tot misverstand, aangezien in den aanhef van het artikel is bepaald, dat de scheepvaart op de Fly-rivier vrij is voor de onderdanen van beide contracteerende Mogendheden.

De Minister van Buitenlandsche Zaken,

J. ROELL.

De Minister van Koloniën,

BERGSMA.

[B. EERSTE KAMER]

EINDVERSLAG der COMMISSIE van RAPPORTEURS over het ontwerp van wet tot goedkeuring der overeenkomst, den 16den Mei 1895 te 'sGravenhage tusschen Nederland en Groot-Britannië en Ierland gesloten, tot regeling der grens tusschen het Nederlandsch en het Britsch gebied op Nieuw-Guinea. (191)

1. Terwijl men zich vrij algemeen met dit wetsontwerp vereenigen kon, opperden eenige leden eener afdeeling twijfel of het wel wenschelijk ware in een gebied, dat zoo weinig bekend is als Nieuw-Guinea, eene grensregeling te maken? Hierdoor wordt eene zekere strook grond Nederlandsch gebied en zal Nederland aansprakelijk zijn voor hetgeen op dat gebied gebeurt.

Volgens andere leden heeft de ondervinding door Nederland als koloniale Mogendheid opgedaan de gegrondheid van dat bezwaar niet bewezen.

2. In art. III der overeenkomst wordt het woord "Thalweg" gebruikt. De Engelsche tekst heeft: "waterway (Thalweg)". Wat is onder "Thalweg" te verstaan? Was daarvoor geen Hollandsch woord te vinden? Zoo neen, had niet eene omschrijving in het Hollandsch de voorkeur verdiend boven het bezigen van een uitheemsch woord?

Vastgesteld 10 Juli 1895.

BERGSMA.

ENGELBERTS.

SASSEN.

ALBERDA VAN EKENSTEIN.

A. PRINS.

APPROVAL OF THE AGREEMENT, CONCLUDED 16 MAY 1895
AT THE HAGUE BETWEEN THE NETHERLANDS AND GREAT
BRITAIN AND IRELAND, TO REGULATE THE BORDER BETWEEN
THE NETHERLANDS AND BRITISH TERRITORY IN NEW GUINEA.
(191)

[11 July 1895]

The discussion is opened.

Mr. Bergsma, the Minister of Colonies: Here, too, as in the case of the consideration of the previous Bill, I can say that my colleague for Foreign Affairs and I have noted with satisfaction that in general there is approval of the Bill in the sections.

The question raised by some Members "whether it was desirable to make a border arrangement in a territory as little known as New Guinea", I am able to answer in a few words.

Up to the present the boundary adopted between the Netherlands and British territories followed the 141st meridian. It now has been decided that, in order to forestall possible problems, a natural border would be more desirable because it will then be easier to determine whether one or another matter has occurred on Netherlands or on British territory. The middle of the Bensbach River on the South coast has at present been adopted as the starting point of the border. The boundary then follows a straight line to the point where it meets the Fly River and from there follows the natural boundary formed by that river to the point where it passes the 141st meridian which then remains the border to the North coast.⁹

I believe that when issues unexpectedly arise later, it will be easier, at least in part, to prove in whose New Guinea territory the incident has occurred than it is now that the 141st meridian is still the boundary for the whole border region.

The second question raised by Members is:

"In Art. III of the Agreement the word 'Thalweg' is used. The English text states: 'waterway (Thalweg)'. What is meant by 'Thalweg'? Could no Dutch term be found instead? If not, would it not have been preferable to paraphrase the concept in Dutch rather than use a foreign word?"

That same question has been a point of consideration in the drafting of the Bill. But the word "Thalweg" has come into such general use - not just in Germany, as one would expect, but also among other Powers - that the Government has been of the opinion that it could and should employ this term in the Agreement. Concerning this I can provide some information based on the Algemeen Handelsblad of 1894 (the exact number of which I am unable to give at the moment) which states:

"The Thalweg. In some German newspapers one finds the comment that the French language has been enriched by the word Thalweg in the latest treaties in Africa, as earlier happened with the term Hinterland. That comment appears to be incorrect. The Kölnische Zeitung draws attention to this while referring to the Treaty of San Stefano of 3 March 1878 in which it was agreed between Russia and Turkey that: La frontière (of Serbia) suivra le thalweg de la Drina."

GOEDKEURING DER OVEREENKOMST, DEN 16den MEI 1895 TE
'sGRAVENHAGE TUSSEN NEDERLAND EN GROOT-BRITANNIË
EN IERLAND GESLOTEN, TOT REGELING DER GRENS TUSSEN
HET NEDERLANDSCH EN HET BRITSCH GEBIED OP NIEUW-GUINEA.
(191)

De beraadslaging wordt geopend.

De heer Bergsma, Minister van Koloniën: Ook hier kan ik evenals bij de behandeling van het vorige wetsontwerp, de verklaring afleggen dat mijn ambtgenoot voor Buitenlandsche Zaken en ik met voldoening hebben vernomen, dat men zich vrij algemeen in de afdeelingen met dit wetsontwerp heeft kunnen vereenigen.

De vraag door eenige leden gedaan "of het wel wenschelijk ware in een gebied, dat zoo weinig bekend is als Nieuw Guinea, eene grensregeling te maken", kan ik met een enkel woord beantwoorden.

Tot nu toe was de grens tusschen het Nederlandsche en Engelsche grondgebied aangenomen als liggende op den 141sten lengtegraad. Nu heeft men gemeend dat, juist ter voorkoming van quaestien, eene natuurlijke grens wenschelijker zou zijn, omdat dan gemakkelijker zal zijn uit te maken of het een of ander feit op Nederlandsch dan wel op Engelsch grondgebied is voorgevallen. Het midden van de Bensbach-rivier aan de Zuidkust is thans als het begin van de grensscheiding aangenomen. Verder volgt zij eene rechte lijn tot daar waar zij de Fly-rivier aantreft, om dan de natuurlijke door die rivier gevormde grens te volgen, tot waar deze rivier den 141sten graad passeert, welke dan verder de grensscheiding tot aan de Noordkust blijft.

Ik geloof dat, wanneer onverhoopt quaestien mochten voorkomen, het later gemakkelijker zal zijn - ten minste voor een gedeelte - om aan te toonen in wiens gebied in Nieuw-Guinea het geval zich heeft voorgedaan, dan op dit oogenblik, nu als de grens nog uitsluitend de 141ste graad geldt.

De tweede vraag is deze:

"In art. III der overeenkomst wordt het woord "Thalweg" gebruikt. De Engelsche tekst heeft: "waterway (Thalweg)". Wat is onder "Thalweg" te verstaan? Was daarvoor geen Hollandsch woord te vinden? Zoo neen, had niet eene omschrijving in het Hollandsch de voorkeur verdiend boven het bezigen van een uitheemsch woord?"

Diezelfde vraag heeft een punt van overweging uitgemaakt bij de opmaking van het wetsontwerp. Maar het woord "Thalweg" heeft zoozeer burgerrecht verkregen, niet alleen uit den aard der zaak in Duitschland, maar ook bij andere Mogendheden, dat de Regeering heeft gemeend dat woord in de overeenkomst te moeten en te mogen bezigen. Ik kan daaromtrent eene mededeeling doen, ontleend aan het Algemeen Handelsblad van het jaar 1894, waarvan ik het nummer op dit moment niet precies kan opgeven; daar leest men het volgende:

"Le Thalweg. In sommige Deutsche bladen vindt men de opmerking, dat de Fransche taal door de laatste Afrikaansche tractaten verrijkt is met het woord Thalweg, gelijk vroeger reeds met het woord Hinterland. Die opmerking blijkt onjuist te zijn. De Kölnische Zeitung vestigt daarop de aandacht, onder verwijzing naar het tractaat van San Stefano van 3 Maart 1878, waarin tusschen Rusland en Turkije werd overeengekomen: La frontière (van Servie) suivra le thalweg de la Drina".

However, the use of that German word in French is still older. One reads, for example, in the Dictionnaire de l'Administration Française, published by Bloch in Paris in 1856, the following on page 1512: "Thalweg. On appelle ainsi le milieu du courant d'un fleuve, d'une rivière. Le Thalweg est quelquefois pris pour ligne séparative des territoires de deux nations voisines." The term is, therefore, preferably employed in treaties to indicate the border for broader rivers. For smaller ones, where there can be no possibility of difficulties about the question of to whom the water belongs, one finds, for example, in the Treaty of San Stefano immediately following the words quoted above: "de là le nouveau tracé suivra le cours du ruisseau" et cetera.

On the basis of the above quotations I feel some justification in arguing that it is also in accordance with international practice to employ the word "Thalweg" in treaties. I add that I believe the same word is also used in the treaties concerning border matters with Germany and Britain in the Congo.

I trust that I have hereby sufficiently answered the comments in the Final Report of the Committee of Rapporteurs.

The discussion is closed and the Bill is carried without a roll call vote.

Maar het gebruik van dat Duitsche woord in het Fransch is nog ouder. Men leest bijv. in de door Bloch in 1856 te Parijs uitgegeven Dictionnaire de l'Administration Française op bladz. 1512 het volgende: "Thalweg. On appelle ainsi le milieu du courant d'un fleuve, d'une rivière. Le Thalweg est quelquefois pris pour ligne séparative des territoires de deux nations voisines." Het woord wordt dan ook in tractaten bij voorkeur gebruikt om de grenscheiding voor breedere stroomen aan de duiden. Voor smallere, waar geen moeilijkheid kan ontstaan over de vraag aan wie het water behoort, vindt men bij voorbeeld in het tractaat van San Stefano, onmiddellijk na de bovenaangehaalde woorden: "de là le nouveau tracé suivra le cours du ruisseau" enz.

Uit het voorgelezene meen ik met eenig recht te mogen beweren, dat het in overeenstemming is met de internationale gewoonte ook in tractaten het woord "Thalweg" te gebruiken. Ik voeg er bij dat, naar ik meen, ook hetzelfde woord gebezigd is in de tractaten omtrent de grensregelingen in het Congo-gebied met Duitschland en Engeland.

Ik vertrouw hiermede de opmerkingen in het Eindverslag der Commissie van Rapporteurs voldoende beantwoord te hebben.

De beraadslaging wordt gesloten en het wetsontwerp zonder hoofdelijke stemming aangenomen.

D8 New Guinea. British Order in Council applying the
laws of Her Majesty's possessions in New Guinea
to the territories acquired under the Convention
with the Netherlands of May 16, 1895¹

At the Court at Osborne House, Isle of Wight, the 8th day of February, 1896.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY

Lord President.

Lord Ashbourne.

Lord Privy Seal.

Sir R. Temple.

Mr. Stuart-Wortley

WHEREAS by a Convention made between Her Majesty and Her Majesty the Queen of the Netherlands for defining the boundaries between the British and Netherland Possessions in the Island of New Guinea, and signed at the Hague on the 16th of May, 1895, the following Articles were, amongst others,² agreed to:--

1. The boundary between the British and Netherland Possessions in New Guinea starts from the southern coast of the said Island at the middle of the mouth of the Bensbach River, situated at about 141°1'47.9" of east longitude (meridian of Greenwich).

2. The boundary proceeds to the north, following the meridian which passes through the said mouth, up to the point where that meridian meets the Fly River.

3. From that point the waterway ("Thalweg") of the Fly River forms the boundary up to the 141st degree of east longitude.

4. The 141st degree of east longitude after this forms the boundary up to the point of intersection of the boundaries of the British, Netherland, and German Possessions.

And whereas certain small portions of territory have thereby been added to Her Majesty's Possessions of British New Guinea, and it is expedient that the laws of the said Possession should extend to the said portions of territory.

And whereas the provisions of Section 1 of "The Rules Publication Act, 1893" have been complied with.

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by "The British Settlements Act, 1887," or otherwise, in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:--

The boundary set out in the above-mentioned articles of the Convention of the 16th of May, 1895, shall be the western boundary of Her Majesty's Possession of British New Guinea, and the laws of the said Possession shall extend to and be in force up to that boundary.

C.L. Peel

¹ Hertslet's Commercial Treaties, vol.XX (London, 1898), pp.730-1.

² Among those omitted was Article V which dealt with the free navigation on the Fly River.

D9 Sir Henry Howard to W.H. de Beaufort¹

British Legation,
The Hague,
July 19th, 1900.

Monsieur le Ministre:-

In compliance with instructions I have to address Your Excellency to-day on the subject of a recent raid on British New Guinea Territory by a party of Tugeri from Dutch New Guinea.

This is not a new question as in the first half of the last decade similar incursions, notably in 1891, led to a voluminous correspondence between Her Majesty's Legation and Your Excellency's Predecessors in office, and resulted in the recognition by the latter that the Tugeri were natives of the Dutch part of the island and by the Netherland Government consequently undertaking to take steps for the preservation of order. It was likewise considered that this latter task would be facilitated by a modification of the boundary, and after a joint survey had been made by officers of the two countries on the spot, a Convention was signed at The Hague on the 16th of May 1895, modifying the boundary in the sense desired.

Hardly a year had elapsed after the signing of this Treaty when in May 1896 a fresh raid by the Tugeri took place in the British Districts of Wassi Kussa, concerning which Sir Horace Rumbold on the 11th of October 1896 communicated to Monsieur Roell extracts from the report of Sir William MacGregor, the Administrator of British New Guinea, on the subject of the same. The Tugeri were on this occasion so successfully repelled that it was hoped that they would be deterred by their exemplary punishment from future attempts of the same nature.

This expectation has however alas not been realised as from a report recently received, a fresh raid was made in December last by the Tugeri in the same region as before.

The Lieutenant-Governor of British New Guinea Mr G. Ruthven Le Hunte, reports that having been informed in December last that the Tugeri were again on the warpath and had threatened to attack Bugi he took precautions to place that station in a state of defence. In February he proceeded personally to Daru and was told that the reinforcements sent to Bugi had returned as the Tugeri had apparently left that vicinity. Thence he went to Bugi itself where he found a large number of natives from the vicinity of the Mai Kussa who had taken refuge there from fear of the Tugeri whose canoes had been seen and who had

¹ Commonwealth Archives Office. CP 1 (Colony), series 5, vol.17, pp.341-4. Sir Henry Howard was Envoy and Minister at The Hague (1896-1908); De Beaufort was Netherlands Premier and Minister of Foreign Affairs.

plundered their food gardens and destroyed their garden houses. Leaving Bugi February 17th he ascended the Wassi Kussa and the river Bé Kussa, which joins the former at the north, and then descended the Mai Kussa and continued through Taku Creek which intersects Strachan Island. He found camps of the Tugeri on the Wassi Kussa showing that they had been there in force at no long time before, apparently within three or four months. In one camp he counted fifty shelters, some of which had the bark coverings still on. Being satisfied that they were not in any part of the neighbourhood he returned to Bugi and on February 22nd left there again for the western extremity of the British Possession and the Morehead River which he entered on February 24th. Two days later at some 60 miles up he learnt that the Tugeri had been up the river about two months before. He came upon their camps all the way up to within a few miles of the place and found that they had raided the Sanana Tribe, killing some and taking their heads, and carrying away certain women and children, of which I enclose a list, and that they had then returned to their own country in Netherland Territory.

Mr Le Hunte ascended the Morehead for another ten miles and then returned to the coast, reaching Bugi March 3rd.

As the above events have clearly demonstrated that even a severe lesson at the hands of the British Authorities, such as that given in 1896, is not sufficient to prevent a repetition of these periodical hostile incursions from the neighbouring Dutch provinces, by bodies of eight hundred and twelve hundred men, which carry with it loss of life to the communities that lie in their way, either of individuals caught singly, or, as in the case of the Sanana people of an entire village silently surrounded and massacred or captured in the night, I have been instructed to point out to the Netherland Government the urgent necessity for their taking effective measures to prevent a recurrence of such raids and to impose respect for the British frontier on the tribes subject to The Queen of the Netherlands. I am likewise instructed, with special reference to the last raid, to earnestly request Netherland Government to secure the punishment of the marauders and the return of the captives whom they have taken and to give compensation for the losses which have been inflicted on the British Subjects, the survivors of their murderous outrages.

I avail, &c.,

(Signed) Henry Howard.

Son Excellence

Monsieur de Beaufort,

&c., &c., &c.

D10 W.H. de Beaufort to Sir Henry Howard¹

Section 1
No. 8729.

The Hague, 4 September 1900
To the British Envoy

Concerning:

The predatory incursions
of the Tugeri tribe into
~~N~~ British New Guinea

Dear Envoy,

I lost no time in transmitting your note of 19 July last to the Minister of Colonies who has communicated to me the following observations on the subject.

The Netherlands Government would find it a matter of great regret ~~the incursion of the Tugeri if it were proved that the latter have in December carried out the things mentioned in your note~~ if, in fact, it were established that the Tugeri who ~~have undertaken an incursion~~ were guilty of devastating and pillaging British territory in New Guinea last December, indeed had their permanent abode in the Netherlands part of this island. Nevertheless it has never been possible to discover with any certainty whether ~~the~~ these Tugere people who a few years ago rendered themselves guilty of incursions into British territory in New Guinea, actually lived in the Netherlands part of the island. Since Mr. Ruthven Le Hunte does not substantiate his assertion "that they had then returned to their own country in Netherlands territory" and does not accompany it with any data, one is left without any further information as to the domicile of the perpetrators of the incursion which took place last December.

However, Mr. Cremer² has charged the Governor-General of the Netherlands Indies with an carrying out an investigation. He hopes that the official who will be appointed ad hoc will ~~obtain~~ be able to receive from the British authorities such information as may be required to bring his task to a successful completion.

Yours

¹ Netherlands Ministry of Foreign Affairs, Archives. Doss.A-110 (Nieuw-Guinea). Final draft of letter.

² Minister of Colonies, J.T. Cremer.

Afd. I
N° 8729

'sGravenhage, den 4 September 1900.
Aan Britschen Gezant.

Over:
strooptochten van den
Tugerestam in
N- Britsch Nieuw-Guinea

Monsieur le Ministre,

Je me suis empressé de faire parvenir Votre office du 19 juillet d^r au Ministre des Colonies, qui me communique à ce sujet les considérations suivantes.

Le Gouvernement néerlandais ~~le regretterait vivement l'incursion des Tugères, - s'il était constant que ces derniers, - qui ont entrepris en décembre les faits mentionnés dans Votre~~ office, si en effet il était constaté que les Tugères, ^{se sont rendus coupables} ~~qui ont entrepris en décembre d'~~ de dévastation et ^{fussent réellement} ~~une incursion sur pillage sur le territoire britannique de la Nouvelle Guinée, étaient en effet~~ établis dans la partie néerlandaise de cette île. ^{Néanmoins on n'a jamais pu obtenir aucune} ~~certitude quant la question de savoir se les cette Tugères, qui se sont rendue coupables il y~~ a quelques années d'incursions sur le territoire britannique de la Nouvelle Guinée, habitaient la partie néerlandaise de l'île. Comme M. Ruthven le Hunte ne cite aucun motif de son assertion "that they had then returned to their own country in Netherlands territory" et ne l'accompagne d'aucun renseignement, ~~ont n'est pas renseigné davantage sur le domicile des auteurs de l'incursion qui a eu lieu en décembre d^r~~ ^{peuplade est}

Quoiqu'il en soit, M. Cremer a enjoint au Gouverneur-Général des Indes Néerlandaises de faire ~~une~~ procéder à une enquête. Il espère que le fonctionnaire qui sera désigné ad hoc ~~obtiendra~~ pourra tenir des autorités britanniques les informations nécessaires pour mener sa tâche à bonne fin.

Veuillez

D11 Sir Henry Howard to the Marquess of Lansdowne¹

Copy.
No.156
Confidential.

The Hague
November 26th, 1900.

My Lord,

With reference to my despatch No.136 of the 8th ultimo, and to previous correspondence on the subject of the Tugeri, I have the honour to report that, in a recent conversation with Monsieur de Beaufort he informed me that in December last certain members of the crew of the Dutch Mail Steamer, the "General Pel", had been enticed into the interior by some natives on the South Coast of Dutch New Guinea and had been presumably killed and eaten by the latter. This incident had led to several expeditions to that part of the coast and the last of the same had resulted in the capture of six natives of the supposed guilty tribe. His Excellency thought that the latter were probably the Tugeri and stated that the Netherland Authorities were investigating this subject, and he referred me to the Colonial Report for 1900 submitted to the States General for full details in regard to this incident. I transmit, herewith, a translation of the account in question,² but I fail to see any mention therein of the guilty tribe being that of the Tugeri. Her Majesty's Colonial Office will however be better able to decide this question than I am with my scanty knowledge of the subject.

Monsieur de Beaufort yesterday likewise drew my attention to a telegram from Brisbane published in the "Rotterdamsche Courant", respecting a Tugeri raid from Netherland into British Territory. His Excellency said that probably this was the raid of December 1899 and not a fresh one and asked me whether I had received any official information on the subject. I replied in the negative, but pointed out that in the old raid there had been no Tugeri killed that I knew of, whereas the telegram spoke of the raiders having been defeated by Murray's native police who had killed thirty of the Tugeri, which would indicate that the raid now announced was a fresh one. I enclose a translation of the article containing the telegram in question.²

His Excellency informed me that in answer to certain questions put to him in the States General the Minister of the Colonies had submitted a written statement respecting the "General Pel" incident and the raid of the Tugeri in December last into British Territory. I have obtained a copy of his statement and a translation of the same will be forwarded to Your Lordship shortly. Monsieur de Beaufort sticks to his opinion that the Tugeri have no settled

¹ Commonwealth Archives Office. CP 1 (Colony), series 5, vol.10, pp.4-5. The Marquess of Lansdowne was Foreign Secretary, 1900-5.

² Not reproduced here.

home and are cannibals. If the enquiry to be hald [sic] in their regard is to be conducted in the same manner as was that concerning the murder of the crew of the "General Pel" namely simply by sailing along the coast and not penetrating into the interior, I do not see how this question will ever be decided.

I have, etc.,

(Sgd) Henry Howard.

The Marquess of Lansdowne, K.G.

&c. &c. &c.

Buitenzorg, 6 July 1901.

Cabinet

N^o 5.-

Appendices:2

Dear Lieutenant-Governor,

With reference to my letter of 19 February last, n^o 1, I have the honour to inform Your Excellency that in order to put an end to the incursions of the Tugeri into British territory, I have proposed to Her Majesty's Government that an administrative post be established on the south coast of the Netherlands part of New Guinea.

Her Majesty's Government has concurred with this proposal and, consequently, I have appointed Mr. Kroesen as Assistant Resident of the above-mentioned coast and have asked him to come to Batavia in order to discuss with him the measures which will need to be taken in setting up the new post.

I take this opportunity to transmit to Your Excellency the attached bill of exchange² representing the sum intended to reimburse the British subjects who met with losses during the latest incursions of the Tugeri and I beg Your Excellency to accept the renewed assurances of my highest regard.

[sgd.] W. Rooseboom
Governor-General of the
Netherlands Indies.

To
His Excellency
the Lieutenant-Governor
of British New Guinea
Port Moresby.

¹ Commonwealth Archives Office. CP 1 (Colony), series 5, vol.20 ('Tugeri folder').
W. Rooseboom was Governor-General of the Netherlands Indies, 1899-1904.

² See S.N.G.B., Fig:12.

Buitenzorg, le 6 juillet 1901.

Cabinet

N^o 5.-

Annexes:2.-

Monsieur le Lieutenant-Gouverneur,

En me référant à ma lettre du 19 février dernier n^o 1, j'ai l'honneur de porter à la connaissance de Votre Excellence que dans le but de mettre fin aux incursions des Tugéris en territoire britannique j'ai proposé au Gouvernement de la Reine d'établir un poste de fonctionnaire sur la côte méridionale de la partie néerlandaise de la Nouvelle-Guinée.

Le Gouvernement de la Reine s'est rallié à cette proposition, et en conséquence j'ai nommé Monsieur Kroesen, assistant-Résident de la côte susmentionnée et l'ai prié de venir à Batavia, en vue de concerter avec lui les mesures nécessaires à l'installation du nouveau poste.

En saisissant cette occasion pour faire parvenir à Votre Excellence ci-joint une lettre de change représentant la somme destinée à indemniser les sujets britanniques, qui ont éprouvé des pertes lors des dernières incursions des Tugéris, je La prie de bien vouloir agréer l'assurance renouvelée de ma haute considération.

[sgd.] W. Rooseboom
Gouverneur-Général des
Indes néerlandaises.

A

Son Excellence
le Lieutenant-Gouverneur
de la Nouvelle-Guinée britannique
Port Moresby.

E The German-Netherlands Boundary, 1902-1911

E1 Memorandum of the German Foreign Office to the
Netherlands Legation¹

Copy. ad N^o 4335/1849.

Foreign Office
Colonial Section,
N^o K.A. 13111
23418

Note Verbale.

With reference to the memorandum of 24 October last concerning the border between the German and Netherlands possessions in New Guinea, the Ministry of Foreign Affairs has the honour to deliver herewith to the Royal Netherlands Legation a memorandum from which it can be concluded that in the opinion of the Imperial Government the determination of the location of the boundary in question ought to be postponed.

Berlin, 24 December 1902.

To
the Royal Legation
of the Netherlands.

Memorandum

The Imperial Government regrets that at present it does not find itself in a position to accede to the wishes of the Royal Netherlands Government with regard to the sending of a Mixed Commission to the border area between German and Netherlands New Guinea for the purpose of examining how the 141st degré East of Greenwich which forms the border might best be replaced by a natural frontier. All the proper colonial officials and officers for such a task are urgently needed at present for the current boundary operations in Africa and will not be available for the next few years. Since the meridian in question runs through hitherto totally unexplored territory the Imperial Government is of the opinion that the process of travelling along it and to open up surrounding country might necessitate considerable expense and with the rigors of the climate and the hostile attitude of the natives, the whole operation is impractical without careful preparation. It follows that before anything could

¹ Netherlands Ministry of Foreign Affairs, Archives. Doss.A-110 (Nieuw-Guinea).

Afschrift ad N^o 4335/1849.

Auswärtiges Amt
 Kolonial-Abtheilung
 N^o K.A. 13111
23418

Note Verbale.

En se référant au mémoire du 24 octobre dernier concernant la limite entre les possessions Allemandes et Néerlandaises à la Nouvelle Guinée le Ministère des Affaires Etrangères a l'honneur de remettre ci-près à la Légation Royale des Pays-Bas un mémoire dont résulte que d'après l'opinion du Gouvernement Impérial la détermination sur les lieux de la limite en question devra être ajournée.

Berlin, le 24 décembre 1902.

A
 la Légation Royale
des Pays-Bas

Pro Memoria.

Die Kaiserliche Regierung befindet sich zu ihrem Bedauern zur Zeit nicht in der Lage, dem Wunsche der Königlich Niederländischen Regierung wegen Entsendung einer gemischten Kommission in das Grenzgebiet zwischen Deutsch- und Niederländisch Neu-Guinea zum Zwecke der Untersuchung der Frage, wie der die Grenze bildende 141^o o.Gr. am zweckmässigsten durch eine natürliche Grenze ersetzt werden kann, zu entsprechen. Sämmtliche [sic] für derartige Zwecke geeigneten Kolonialbeamten [sic] und Offiziere werden gegenwärtig für die in Afrika im Werke befindlichen Grenzreguli[e]rungen dringend gebraucht und sind für die nächsten Jahre nicht abkömmlich. Da der Grenzmeridian durch ein bisher völlig unerforschtes Gebiet läuft, dürfte eine Bereisung und Erschliesung derselben nach Ansicht der Kaiserlichen Regierung erhebliche Mittel erfordern und bei den durch das Klima und die feindliche Haltung der Eingeborenen verursachten Schwierigkeiten ohne sorgfältige Vorbereitung nicht durchführbar sein. Es wurde daher, ehe von Seiten der Kaiserlichen Regierung an eine solche Aufgabe herangetreten werden könnte, zunächst erst die Bereitstellung der erforderlichen

be done on the part of the Imperial Government towards undertaking such a task, the disposition of the considerable funds needed would have to be requested and awaited from the legislative authorities. Since no settlement of Europeans exists in the border region and no border disputes have occurred to date, the Imperial Government does not believe that there is any urgent reason for a speedy start of such a border regulation. For that reason too it can be reserved until later without prejudice to the interests of either side.

With regard to the location of the intersection of the 141st degree East of Greenwich with the north coast of New Guinea, the Imperial Government believes that when the meeting of the above-mentioned Mixed Commission eventually comes about it will be unnecessary to re-establish this point since the available data, shown on the new German Admiralty Charts, employ the observations made by the astronomer Dr. Hayn, at present Chief Astronomer of the Observatory in Leipzig, while in the South Seas on behalf of the Imperial Naval Office. As his most westerly point at the north coast of New Guinea, the above-mentioned scholar set up an observation pillar at Angriffs-Hafen [Vanimo] at

2° 40' 45.1" S.L.

141° 17' 11.7" E. of Greenwich

Triangulation westwards from this point to Germania Huk established the position of the latter at

2° 36' 14.4" S.L.

140° 56' 5.9" E. of Greenwich

The data of German Admiralty Chart No. 148 are based on these findings.

The mean error involved in the measurement of latitude is given by Dr. Hayn as $\pm 0.54'' = \pm 17$ metres, that caused by longitudinal difference as ± 0.22 [seconds?]² or approximately ± 100 metres. The mean error involved in the triangulation is of a far smaller order than those given above, amounting at most to 0.1" or about 3 metres.

In as much as the relevant observational data have been published in detail by Dr. Hayn (Dr. Hayn, Astronomische Ortsbestimmungen im deutschen Schutzgebiet der Südsee, Berlin, 1898), the Imperial Government believes that a subsequent Mixed Border Commission will not have to repeat or check them. If the Royal Netherlands Government shares this view, the eventual meeting of a Mixed Commission would be substantially facilitated since it would need neither a trained astronomer nor instruments for making absolute astronomical measurements of latitude.

Berlin, 24 December 1902.

² This must be an error in transcription; a longitudinal difference of about 100 metres would amount to about 3.2".

bedeutenden Geldmittel durch die Gesetzgebenden Factoren beantragt und abgewartet werden müssen. Da in dem Grenzgebiet Ansiedelungen von Europäern nicht vorhanden sind und bisher Grenzstreitigkeiten nicht vorgekommen sind, glaubt die Kaiserliche Regierung dasz eine zwingende Veranlassung zu einer baldigen Inangriffnahme einer solchen Grenzregulirung nicht vorhanden ist, und dasz dieselbe daher auch aus diesem Grund ohne Schädigung der beiderseitigen Interessen einer späteren Zeit vorbehalten bleiben kann.

Was die Lage des Schnittpunktes des 141° o.Gr. mit der Nordküste von Neu-Guinea betrifft, so ist die Kaiserliche Regierung der Ansicht, dasz bei dem späteren eventuellen Zusammentritt einer solchen gemischten Grenzkommission eine Neubestimmung dieses Punktes bei dieser Gelegenheit nicht nöthig sein wird, da die vorhandenen, von den neuen Deutschen Admiralitätskarten benutzten Angaben auf den Beobachtungen beruhen, welche der Fach-astronom Dr. Hayn, zur Zeit Observator an der Sternwarte in Leipzig, im Auftrage des Reichs-Marine-Amtes in der Südsee angestellt hat. Als westlichster Punkt an der Nordküste Neu-Guineas wurde von dem genannten Gelehrten ein Observationspfeiler am Angriffs-Hafen zu

$$\begin{aligned} &2^{\circ} 40' 45."1 \text{ s.Br.} \\ &141^{\circ} 17' 11."7 \text{ ö.Gr.} \end{aligned}$$

bestimmt.

Von diesem Punkte aus wurde nach Westen bis zur Germania-Huk triangulirt und die Lage desselben zu

$$\begin{aligned} &2^{\circ} 36' 14."4 \text{ s.Br.} \\ &140^{\circ} 56' 5."9 \text{ ö.Gr.} \end{aligned}$$

gefunden. Auf diesen Daten beruhen die Angaben der deutschen Admiralitätskarte Nr.148.

Den mittleren Fehler einer Breitenbestimmung giebt Dr. Hayn zu $\pm 0."54 = \pm 17^m$, den für eine Längen Differenz zu $\pm 0."22$ oder etwa $\pm 100^m$ an. Der mittlere Fehler der Triangulation bleibt weit hinter den vorstehend genannten Gröszen und beträgt im Maximum $0."1$ oder etwa 3^m .

Da die betreffenden Beobachtungen ausführlich von Dr. Hayn durch den Druck veröffentlicht worden sind (Dr. Hayn, Astronomische Ortsbestimmungen im deutschen Schutzgebiet der Südsee, Berlin 1898) glaubt die Kaiserliche Regierung, dasz eine Wiederholung und Kontrollirung derselben durch eine spätere gemischte Grenzexpedition unnöthig ist. Im Falle die Königlich Niederländische Regierung diese Auffassung theilt, würde seiner Zeit der Zusammentritt einer gemischten Kommission wesentlich erleichtert werden, da derselben alsdann kein Fachastronom und keine Instrumente für absolute astronomischen Längenbestimmungen beigegeben zu werden brauchten.

Berlin, den 24. December [sic], 1902.

Copy.

Foreign Office.

No. K. 4378

14926.

Berlin, 21 March 1906.

Dear Chargé d'Affaires,

In response to the letter of Baron Gevers of 1 March last concerning the establishment in the terrain of a line of demarcation between German and Netherlands New Guinea, I have the honour to inform you that according to my information the composition of the scientific personnel of the Imperial Navy vessel Planet which is on its way to the Indonesian Archipelago,² is not of the type as to permit the use of this naval expedition in the manner indicated in the above-mentioned letter.

The Planet is on a purely hydrographical and meteorological mission and its scientific personnel is in no way prepared for such an operation on land - an operation whose duration, according to the opinion of the German authorities, is impossible to gauge accurately in advance.

What is involved is the determination in the terrain of a line of demarcation of about 275 kilometres in length through practically unknown country, most probably very hilly and covered for the most part with virgin forests; that is to say in a terrain which offers considerable geodetical problems. Yet it is precisely triangulation that one cannot do without in these circumstances since it offers the only means of establishing in a definitive way on the ground a jointly shared meridian of such considerable length.

On the other hand, experience in the tropics has shown that it is not enough to cut tracks through virgin forest and to make delimitation markings in them since the tracks are quickly overgrown by the abundant vegetation causing them to disappear altogether as well as the posts and marks established, so that it is impossible to find them even after a few years.

In countries of this type the only really practical way of establishing a lasting demarcation whose tracks could be found again, is to erect posts in stone masonry or cement whose exact location is determined on special maps drawn for this purpose and alone suitable to give the necessary guarantees that one will be able to find the delimitation markers again more or less easily.

¹ Netherlands Ministry of Foreign Affairs, Archives. Doss.A-110 (Nieuw-Guinea). Von Tschirschky was German Secretary for Foreign Affairs; Jhr. van Eysinga Counsellor ad interim of the Royal Netherlands Legation.

² Its actual work was to be carried out in the waters of the Bismarck Archipelago.

(ad N^o 4288 1900)Afschrift.

Auswaertiges Amt.

No. K. 4378

14926.

Berlin, le 21 mars 1906.

Monsieur le Chargé d'Affaires,

En réponse à la lettre de Mr. le Baron Gevers en date du premier mars dernier et relative à l'établissement, sur le terrain même, d'une ligne de démarcation entre la Nouvelle Guinée allemande et néerlandaise, j'ai l'honneur de Vous informer que, selon mes informations, la composition du personnel scientifique du navire de la Marine Impériale "Planet", en route pour l'Archipel Indien, n'est pas de nature à permettre l'emploi de cette expédition navale dans le sens indiqué dans la lettre susdite.

Le "Planet" a une mission purement hydrographique et météorologique et son personnel scientifique n'est en aucune façon préparé à une pareille opération sur terre, opération dont, de l'avis des autorités allemandes, il est impossible d'évaluer, d'avance, la durée avec exactitude.

Il s'agit de fixer sur le terrain même une ligne de démarcation d'une longueur d'environ 275 km, à travers un pays presque inconnu, fort probablement très accidenté et couvert en grande partie de forêts vierges, c'est à dire, sur un terrain qui offre des obstacles considérables géodésiques. Or s'est précisément la triangulation dont on ne pourrait se passer dans ces circonstances, vu qu'elle offre le seul moyen de fixer d'une manière définitive, sur les lieux mêmes, un méridien limitrophe d'une longueur aussi considérable.

D'autre part l'expérience prouve qu'il ne suffit pas, sous les tropiques, de percer des laies à travers la forêt vierge et d'y établir des marques de délimitation, puisque la végétation abondante ne tarde pas à envahir les laies, à les faire disparaître complètement avec les poteaux et marques ordinaires établies et à les rendre introuvables déjà après quelques années.

Le seul moyen réellement pratique d'établir, dans des pays de ce genre, une démarcation durable et dont les traces pourraient être retrouvées, c'est d'établir des poteaux en maçonnerie de pierres ou de ciment dont la situation exacte est fixée sur des cartes spéciales dressées à cet effet et seules aptes à fournir les garanties nécessaires qu'on pourra retrouver les marques de délimitation plus ou moins facilement.

Otherwise, one would be engaged in a task of very temporary value with costs whose amount would not warrant the result obtained. However, the erection of durable posts in masonry or cement takes much time and involves great expense. The Imperial Government is, therefore, of the opinion that the demarcation of the frontier between the German and Netherlands territories in New Guinea should be entrusted only to an expedition carefully prepared for this purpose and amply supplied with the necessary materials.

Consequently, it considers it more opportune to postpone the demarcation until the need for the final establishment of the frontier is clearly proven by the mutual economic interests of the two colonies.

As soon as this practical need is felt, the Imperial Government will be prepared to get into touch with the Netherlands Government and to come to an agreement with it regarding the sending of a joint commission to New Guinea.

Yours etc.

(sgd) von Tschirschky.

Jhr. W.J.M. van Eysinga,
Chief of Division at the Ministry of Foreign Affairs,
Counsellor ad interim of the Netherlands Legation,
Berlin.

Autrement on s'exposerait à un travail d'une valeur très passagère et à des dépenses dont le montant ne répondrait pas au résultat obtenu. Or l'établissement des poteaux solides en maçonnerie ou en ciment demandent beaucoup de temps et entraînent de grandes dépenses. Le Gouvernement Impérial est donc d'avis que la démarcation de la frontière entre les territoires allemands et néerlandais dans la Nouvelle Guinée ne pourrait être confiée qu'à une expédition préparée soigneusement à cet effet et abondamment pourvue des matériaux nécessaires.

En conséquence il estime qu'il serait plus opportun d'ajourner la démarcation jusqu'à ce que la nécessité de l'établissement définitif de la frontière soit prouvée avec évidence par les intérêts économiques réciproques des deux colonies.

Dès que le besoin pratique s'en sera fait sentir, le Gouvernement Impérial sera prêt à se mettre en rapport avec le Gouvernement néerlandais et à s'entendre avec lui sur l'envoi d'une commission mixte à la Nouvelle Guinée.

Veillez etc.

(get.) von Tschirschky.

Mr. le Jhr. W.J.M. van Eysinga,
Chef de division au Ministère des
Aff. Etr. Conseiller a.i. de la Légation des Pay-Bas,
Berlin.

E3 W.A.F. Baron Gevers to H.L. von Tschirschky¹

Royal Netherlands Legation
N^o 1967

Copy (ad 7853/2639)
Berlin, 9 May 1906

My Government has with vivid interest taken cognizance of the note of 21 March last N^o K 4378/14926, which Your Excellency has kindly addressed to Jh^r van Eysinga concerning the establishment of a line of delimitation between Netherlands and German New Guinea.

In this respect the Minister of Foreign Affairs has asked me to observe that Your Excellency mentions only difficulties and expenditures which would result from an on-the-spot demarcation, by means of triangulation, of the 141st meridian of East Longitude which at present is accepted as the frontier of the territories of the two countries.

However, earlier correspondence on this subject seems to suggest that there never was any intention of determining in the field the exact line of the present theoretical frontier.

The Queen's Government desired and still desires a search for a "Working boundary", a natural frontier, such as that sought by the memorandum of 24 December 1902 which the Imperial Government so kindly sent to my predecessor with the Note Verbale of the same day N^o K.A. 13111/23418.

With all regard to the objections elaborated upon in Your Excellency's note of 21 March last, I have, therefore, been instructed to bring to Your notice that the Government of the Netherlands continues to hope that a favourable occasion may soon arise so that the two Governments may proceed jointly with the necessary explorations in the frontier region to examine whether or not it would be possible to discover and to agree upon a natural boundary line.

Yours etc.

(sgd) Gevers.

H.E. the Secretary of State
of the Dept. of For. Affairs

¹ Netherlands Ministry of Foreign Affairs, Archives. Doss.A-110 (Nieuw-Guinea). Baron Gevers was Netherlands Envoy at Berlin.

Légation Royale
des Pays-Bas

N^o 1967

Afschrift (ad 7853/2639.)

Berlin, le 9 mai 1906

Mon Gouvernement a pris connaissance avec un vif intérêt de la note que Votre Excellence a bien voulu adresser en date du 21 mars dr N^o K 4378/14926, à Mr le Jh^r van Eysinga, au sujet de l'établissement d'une ligne de délimitation entre la Nouvelle Guinée néerlandaise et allemande.

A cet égard le Ministre des Affaires Etrangères me fait observer que Votre Excellence ne fait mention que des difficultés et des frais qu'occasionnerait la démarcation sur les lieux mêmes, au moyen de triangulation, du méridien 141° long Est, qui est accepté actuellement comme frontière des territoires des deux pays.

Or, la correspondance antérieure sur ce sujet semble indiquer que l'intention de fixer, sur le terrain, la ligne exacte de la frontière théorique actuelle, n'ait pas existé.

Ce que le Gouvernement de la Reine désirait et désire encore, c'est la recherche d'une "Working boundary", d'une frontière naturelle, telle que la visait le mémoire du 24 décembre 1902, que le Gouvernement Impérial voulut bien faire parvenir à mon prédécesseur par la note-verbale du même jour n^o K.A. 13111/23418.

J'ai par conséquent été chargé de porter à la connaissance de Votre Excellence que, tout en déférant aux objections développées dans la note de Votre Excellence du 21 mars dr., le Gouvernement des Pays-Bas continue à espérer que sous peu une occasion favorable se présentera pour que les deux Gouvernements puissent procéder en commun aux explorations nécessaires dans la région limitrophe, pour examiner s'il serait possible de trouver et de s'entendre sur une ligne de frontière naturelle.

Agréez etc

(get.)

Gevers.

SEM le Secrétaire d'Etat
au Dépt des Aff. Etrangères

E4 W.A.F. Baron Gevers to W. von Schön¹

Royal Netherlands Legation
N^o 7851

Copy (ad 7853/2639).
Berlin, 11 December 1908.

The Queen's Government has taken cognizance of an arrangement between Germany and Great Britain to proceed with an on-the-spot delimitation of the possessions of the two countries in New Guinea and of the fact that both sides have appointed Commissioners to this effect.

Your Excellency knows my Government's wish, mentioned several times before, to replace the purely geographical line which now forms the boundary of the Netherlands and German possessions in that island with a "working boundary" or natural frontier.

There would, therefore, be no question, as the Imperial Government seemed to think previously (see the note of His Exc. von Tschirschky of 21 March 1906, N^o K-⁴³⁷⁸/₁₄₉₂₆² of tracing and demarcating the geographical line presently adopted, i.e. the meridian of 141° East Longitude, by means of boundary markers placed in masonry or otherwise. This would be both a costly and superfluous task. The idea is rather an exploration which aims at the seeking of bases which could serve in behalf of the establishment of a natural frontier in the locality of the said meridian.

Since the Imperial Government probably has to send one or more Commissioners to Oceania for the delimitation of the German and British territories in New Guinea, it would seem that the quest for the natural frontier vividly sought by the Netherlands, might usefully be entrusted to the same Commissioners who might, in conjunction with a Netherlands Commission, proceed with these tasks either before or after those which must be executed in terms of the above-mentioned arrangement between Germany and Great Britain.

By instruction of the Min. of For. Affairs, I have the honour to request Your Excellency to be willing to take into favourable consideration the request repeated by my Government and to let me know, if possible without too much delay, the decision of the Imperial Government, so that the Netherlands colonial authorities may be notified in time of the task which would fall to them.

Adding that my last note of 9 May 1906, N^o 1967, referred to this question, I eagerly take the opportunity [etc.]

H.E. the Secretary of State
at the Imperial Dept. of Foreign
Affairs.

(sgd) Gevers.

¹ Netherlands Ministry of Foreign Affairs, Archives. Doss.A-110 (Nieuw-Guinea). W. von Schön ['Baron de Schoen'] was German Secretary for Foreign Affairs, 1907-10.

² See Doc. E.2.

Légation Royale
des Pays-Bas

N^o 7851.

Afschrift (ad 7853/2639).
Berlin, le 11 décembre 1908.

Le Gouv^t de la Reine a eu connaissance d'un arrangement survenu entre l'Allemagne et la Grande Bretagne dans le but de procéder sur les lieux à une délimitation des possessions des deux pays dans la Nouvelle Guinée, et du fait que de part et d'autre des Commissaires ont été désignés à cet effet.

Votre Excellence connaît le désir, déjà plusieurs fois manifesté, de mon Gouvernement de remplacer la ligne purement géographique qui forme actuellement la limite des possessions néerlandaises et allemandes dans cette île, par une "working boundary" ou frontière naturelle.

Il ne s'agirait donc pas, comme le Gouvernement Impérial semblait croire dans le temps (voir la note de S.E. M^t de Tschirschky du 21 mars 1906, N^o K 4378) de tracer et de
14926

démarquer au moyen de bornes en maçonnerie ou autrement, la ligne géographique actuellement adoptée, soit le méridien 141^o long. Est, travaux aussi coûteux que superflus, mais d'une exploration ayant pour but de rechercher des bases pouvant servir à l'établissement d'une frontière naturelle dans les parages du dit méridien.

Puisque le Gouv^t Impérial doit probablement envoyer un ou plusieurs Commissaires en Océanie pour la délimitation des territoires allemands et anglais en Nouvelle Guinée, il semblerait que la recherche de la frontière naturelle vivement désirée par les Pays-Bas, pourrait utilement être confiée aux mêmes Commissaires, qui pourraient, en commun avec une Commission néerlandaise, procéder à ces travaux, soit avant, soit après ceux qui doivent être exécutés en vertu de l'arrangement précité entre l'Allemagne et l'Angleterre.

Par ordre du Min. des Aff. Etrang., j'ai l'honneur de prier Votre Exc. de vouloir bien reprendre en considération favorable la demande réitérée de mon Gouv^t, et de me faire connaître, si possible sans trop de délai, la décision du Gouv^t Imp., pour que les autorités coloniales néerlandaises puissent être avisées à temps de la tâche qui leur incomberait.

En ajoutant qu'en dernier lieu ma note du 9 mai 1906, N^o 1967, se rapportait à cette question, je saisis avec empressement etc.

(get.) Gevers.

SEM^t le Secrétaire d'Etat
au Dép^t Impérial des Aff. Etrangères.

E5 W. von Schön to W.A.F. Baron Gevers¹

Netherlands Legation at Berlin

Copy

Foreign Office

Berlin, 22 February 1909

A 3104

J nr. 2165

Dear Envoy,

In your letter of 11 December last, You have referred once more to the wish of Your Government that the practical delimitation of the border between the German and Netherlands possessions in New Guinea should be undertaken jointly and that this delimitation should be carried out by the same agents which are now instructed to co-operate with the British Commissioners.

I did not fail to get into touch with the competent authorities and I have the honour of communicating to you the results of my inquiries.

The suggestion of combining the delimitation with the one now taking place between the German and British possessions can unfortunately not be realized because the latter tasks are restricted to 8° South Latitude. They will, therefore, last only a few months and because of the paucity of available funds the sole German Commissioner taking part in it has instructions to return to Germany immediately after the completion of his task.

Nevertheless, the Imperial colonial administration has declared itself willing to request for the financial year 1910 the necessary funds to organize an expedition intended to regularize the boundary in question and which would be instructed to co-operate with the bodies designated by Your Government. The months of June to September being the most suitable for such a venture according to meteorological observations, the expedition would have to set out towards the end of April or at the beginning of May 1910. However, it seems desirable to us that the different Commissioners should meet before their voyage to discuss the programme and work of their joint tasks. Deeming that these discussions could usefully take place during January 1910, I request that you present the above-mentioned proposals to Your Government and to let me know its decision.

Accept, my dear Baron, the assurance of my highest esteem.

(sgd) Schoen

To
Baron Gevers
Envoy of the Netherlands

¹ Netherlands Ministry of Foreign Affairs, Archives. Doss.A-110 (Nieuw-Guinea).

Nederlanden te Berlijn

N^o

Auswärtiges Amt

A 3104

J Nr. 2165

AFSCHRIFT

Berlin, le 22 février 1909

Monsieur le Ministre

Par Votre lettre du 11 décembre dernier Vous avez bien voulu revenir au désir de Votre Gouvernement qu'il soit procédé de [sic] commun à une délimitation pratique des possessions Allemandes et Néerlandaises dans la Nouvelle Guinée et que cette délimitation soit opérée par les mêmes organes qui sont actuellement chargés de coopérer avec les commissaires anglais.

Je n'ai pas manqué de me mettre en rapport avec les autorités compétentes et j'ai l'honneur de Vous communiquer le résultat de mes démarches.

La proposition de combiner la délimitation avec celle qui se fait en ce moment ci'entre les possessions Allemandes et Anglaises ne saurait malheureusement se réaliser, ces derniers travaux ayant été bornés au degré 8° de latitude méridionale. Ils ne dureront donc que quelques mois et par suite de l'exiguité des fonds disponibles, le seul commissaire Allemand qui y prend part a l'ordre de retourner en Allemagne immédiatement après l'achèvement de sa tâche.

Toutefois l'administration coloniale de l'Empire s'est déclarée disposée à demander pour l'exercice de l'année 1910 les crédits nécessaires afin d'organiser une expédition destinée à régulariser la frontière en question et qui serait chargée de coopérer avec les organes désignés par Votre Gouvernement. D'après les observations météorologiques les mois de juin jusqu'à septembre se prêtant le mieux à une pareille entreprise, l'expédition devrait se mettre en route vers la fin du mois d'avril ou au commencement du mois de mai 1910. Cependant il nous paraît désirable que les divers commissaires se réunissent avant leur voyage, pour se concerter sur le programme et les détails de leurs travaux communs. Estimant que ces pourparlers pourraient utilement avoir lieu dans le courant du mois de janvier 1910 [,] je Vous prie de présenter à Votre Gouvernement les propositions précédentes et de vouloir bien me faire savoir sa décision.

Veuillez agréer, Monsieur le Baron, l'assurance de ma plus haute considération.

(w.g.) Schoen.

A

Monsieur le Baron Gevers
Ministre des Pays-Bas

E6 The recommendations of the Netherlands Commission of the
German-Netherlands Boundary Commission (extract)¹

[Hollandia
14 February 1911]

OBSERVATION OF THE BOUNDARY LINES WHICH DESERVE
CONSIDERATION WITH THE PREMISE THAT, AS FAR AS POSSIBLE,
THESE MUST BE NATURAL BOUNDARY LINES

There are only two recognizable parts of the terrain at the coast in the immediate vicinity of the 141st meridian which can form a good natural border separation between the possessions of both States. Of these, the one at Oinake Bay, however, does not possess connecting, recognizable, topographical features. The other, the mouth of the Tami River, does. The latter is, therefore, the obvious starting point for the boundary at the coast. It is the more recognizable because the coast immediately towards the east of it becomes a steep and rocky promontory.

Starting from this point, the Commission considered the following border lines while taking into account the proper interests of the Netherlands.

1. a. The Tami and the Mosso to the mouth of the Tjahé;
- b. The Tjahé to the crossing of the path from New Mosso to Njaô;
- c. The ridges which this foot-path follows to the Jasa and after that through the plain to the Tjano;
- d. This river until the foot-path from Njaô to Sëkofro is crossed;
- e. This foot-path, partly ascending along ridges of the Kohari Mountains and then descending along the Brinoka gorge to Sëkofro;
- f. From Sëkofro along the right tributary of the Sangké until this river is reached; then upstream to Vereeniging;
- g. From there a line South to the Bewani River;
- h. Up the Bewani along Gabelbach to the confluence of both branches of this river up from Gabelbach;
- i. From the confluence mentioned under h by a line drawn in the direction SSE to the 1,100 metres high Peak Hamisi, at 1.5 kilometres SSE from it;
- j. From Mt Hamisi along the ridge running in a direction of SSE to the 1,500 metres high mountain at a distance of 3.5 kilometres;
- k. From the last-mentioned peak for a distance of 1.5 kilometres in a direction of SSW to the beginning of the sharp ridge which descends between the two main branches of the Keerom River;

¹ Netherlands Indies, Verslag der Commissie ter Voorbereiding van de Aanwijzing eener Natuurlijke Grens tusschen het Nederlandsche en het Duitsche Gebied op Nieuw-Guinea (Batavia, 1911), pp.25-8. Netherlands Ministry of Foreign Affairs, Archives. Doss.A-110 (Nieuw-Guinea).

BESCHOUWING DER GRENSLIJNEN, WELKE IN AANMERKING KOMEN, ONDER
VOOROPSTELLING DAT DEZE ZOOVEEL MOGELIJK NATUURLIJK
MOETEN ZIJN.

Aan de kust zijn in de naaste omgeving van den 141^{sten} lengtegraad slechts twee kenbare terreindeelen gelegen, welke een goede natuurlijke grensafscheiding tusschen de bezittingen van beide Staten kunnen vormen. Daarvan bezit het eene, de Oinaké-baai, echter geen aansluitende kenbare terreingesteldheid in het achterland. Het andere, de Tami-mond daarentegen wel. Aangewezen is dus dit laatste punt, te kenbaarder doordat onmiddellijk ten Oosten ervan de kust steil en rotsachtig wordt en in zee uitsteekt, als uitgangspunt van de grens aan de kust aan te nemen.

Van dit punt uitgaande, heeft de commissie de onderstaande grenslijnen in beschouwing genomen, daarbij rekening houdend met de betrokken belangen van Nederland.

- 1^e. a. De Tami en de Mosso tot den mond der Tjahé;
b. De Tjahé tot het kruispunt van den weg van Nieuw Mosso naar Njaô;
c. De ruggen waarover dit voetpad loopt tot de Jasa en daarna door de vlakte tot de Tjano;
d. Deze rivier tot het voetpad van Njaô naar Sëkofro gekruist wordt;
e. Dit voetpad, gedeeltelijk langs ruggen het Kohari-gebergte opgaand en daarna langs de Brinoka-kloof naar Sëkofro afdalend, tot deze laatste vestiging;
f. Van Sëkofro langs het rechter zijriviervtje van de Sangké tot deze rivier bereikt wordt en daarna deze laatste stroomopwaarts tot Vereeniging;
g. Van daar een lijn Zuid naar de Bëwani;
h. De Bëwani stroomopwaarts langs Gabelbach tot de samenvloeiing van de beide takken dezer rivier boven laatstgenoemd punt;
i. Van de sub h genoemde samenvloeiing door een lijn in de richting ZZO. getrokken naar den 1100 M. hoogen top Hamisi, liggende op 1.5 KM. ZZO. daarvan;
j. Van den berg Hamisi over den in ZZOtelijke richting loopende rug naar den 1500 M. hoogen berg op 3.5 KM. afstand;
k. Van laatstgenoemden top 1.5 KM. in een richting ZZW. naar het begin van den scherpen rug, welke afdaalt tusschen de beide hoofdtakken der Keeromrivier;

- l. This ridge to the confluence of both branches;
- m. The Keerom River to Bergeinde;
- n. A line from Bergeinde over a distance of 94 kilometres, in a direction of N. 174° E. to the mouth of the October River;
- o. The Kaiserin Augusta River to Overval-bivak;
- p. The left tributary which empties into it to the right tributary brooklet whose mouth is located at 200 metres downstream from the terminal point which was reached by the Commission on 4 November;
- q. From there a line in a direction of about N. 212° E. to the point of intersection of the 5° S.L. and the 141° E.L.

The border line described above consists of a continuous natural boundary from the coast to the beginning of part c. From there up to g inclusive there is only a series of alternately small pieces of natural and political border of which several of the former are not even sufficiently recognizable to indicate, without artificial assistance, its location in the terrain. The part under h completely meets the requirements for a natural boundary; under i, j, and k only very moderately, but l and m very well. The border stretch under n is entirely political, but o and p again conform entirely to the requirements of a natural frontier. The last part of the border has, apart from being political, the further disadvantage that the Southern extremity is not fixed by a recognizable topographical feature.

In order to be effective, therefore, a border settlement based on the above lines would involve placing border markers in the terrain. Otherwise, the location of the actual border could not be made sufficiently clear to the local population and non-indigenous hunters and, in hunting, this could lead to violations and border difficulties.

The placing of these border markers could be restricted to:

one at the beginning and at the end of the part under c, in addition to one at the Jasa River;

one at the beginning of the part under e, one on the path to Šekofro and one at Šekofro;

one at the beginning and one at the end of the line indicated under g.

The parts of the border under i, j, and k are sufficiently identifiable and together are only 6.5 kilometres long. Since the region is uninhabited, is visited by only a few roving Papuans and there is no hunting, the border line indicated seems sufficient.

The part of the frontier under n admittedly is entirely political, but is fixed by natural, very recognizable beginning and terminal points so that, taking into account that very probably these regions will not be frequented, until the distant future, by human beings other than a few roving Papuans, this sector also, does not have to be determined by border markers. Admittedly, one hereby merely replaces over a large part with another line the one which is now regarded as the boundary; but the big difference is that the 141^{st} meridian is an astronomical line while the one "Bergeinde-mouth October River" is a terrestrial one. The former can only be accurately determined in the field by means of precision instruments and lengthy observations by an astronomer. The latter can be marked in the field by any surveyor with simple aids and appliances once the natural parts of the terrain which form the beginning and terminal points have been relocated. And these recognizable points also permit giving the population a sufficient idea of the border.

In summary, the border line considered under 1 suffers from the objection that in the part for which a good border arrangement is chiefly desirable, namely the hunting area (i.e. from the coast to the Mokokofiang), this cannot be achieved satisfactorily without the placing of some eight border markers.

- l. Deze rug tot aan de samenvloeiing van genoemde takken;
- m. De Keeromrivier tot Bergeinde;
- n. Een lijn van Bergeinde over een afstand van 94 KM., loopende in een richting N. 174° O. naar den mond van de October-rivier;
- o. De Kaiserin-Augusta-rivier tot Overval-bivak;
- p. De aldaar uitmondende linker zijrivier tot het zich in haar stortende rechter zijbeekje, waarvan de mond op 200 M. benedenstrooms van het op 4 November door de commissie bereikte eindpunt gelegen is;
- q. Van daar een lijn in een richting ongeveer N. 212° O. loopende naar het snijpunt van den 5° Z.b. en den 141° O.l.

De boven beschreven grenslijn bestaat van af de kust tot den aanvang van het gedeelte c uit een aaneensluitende natuurlijke grens. Van daar tot en met g is slechts een aaneenschakeling van afwisselend kleine stukken natuurlijke en staatkundige grens, waarvan zelfs verscheidene der eerste niet genoeg kenbaar zijn om zonder kunstmatige hulpmiddelen in het terrein op voldoende wijze de grens aan te geven. Het gedeelte sub h voldoet geheel aan de eischen voor een natuurlijke grens; sub i, j en k slechts zeer matig, doch l en m zeer goed. Het stuk grens sub n is geheel staatkundig, doch o en p weder geheel natuurlijk. Het laatste grensgedeelte bezit, behalve staatkundig te zijn, nog het nadeel dat het Zuidelijk uiteinde niet door een kenbaar terreindeel is vastgelegd.

Een grensregeling op de bovenstaande lijnen gegrond, zou dus - wil zij afdoende zijn - meebrengen dat in het terrein grensteekens geplaatst worden. Anders is het aan de bevolking en uitheemsche jagers niet voldoende duidelijk te maken wat de eigenlijke grens is en kan dit bij het jachtbedrijf tot overtredingen en grensmoeielijkheden leiden.

Het plaatsen van deze grensteekens zou zich kunnen bepalen tot:

één aan het begin en één aan het eindpunt van het gedeelte sub c, benevens één aan de Jasa;

één bij den aanvang van het gedeelte sub e, een op de weg naar Sëkofro en één bij laatstgenoemde vestiging;

één bij het begin en één bij het einde der lijn aangegeven sub g.

De gedeelten sub i, j en k zijn voldoende kenbaar en zijn te zamen slechts 6.5 KM. lang. Daar de streek onbewoond is en slechts bezocht wordt door enkele zwerv-Papoea's, terwijl er niet gejaagd wordt, kan met de aangegeven grenslijn volstaan worden.

Het gedeelte grens sub n is wel geheel staatkundig, doch vastgelegd door een natuurlijk, zeer kenbaar begin- en eindpunt, zoodat, rekening houdend met de omstandigheid dat in deze streken zeer vermoedelijk tot in de verre-toekomst geen andere menschen dan de enkele rondzwervende Papoea's komen, ook dit gedeelte niet door grensteekens behoeft vastgelegd te worden. Wordt daarmee weliswaar over een groot gedeelte de lijn thans voor grens geldend, vervangen door een andere lijn, zoo is het groote verschil daarin gelegen dat de 141^{sten} lengtegraad een astronomische, de lijn "Bergeinde - mond October-rivier" een terrestrische is. De eerste kan slechts door middel van fijne instrumenten en langdurige waarnemingen door een astronoom met juistheid op het terrein worden aangegeven. De laatste kan door elken landmeter met eenvoudige hulpmiddelen in het terrein worden uitgezet, als eenmaal de natuurlijke terreindeelen, welke het begin en het einde aangeven, weergevonden zijn. En deze kenbare punten maken het tevens mogelijk de bevolking voldoende denkbeeld van de grens te geven.

Samenvattende kleeft dus de sub 1 beschouwde grenslijn het bezwaar aan, dat in het gedeelte waarvoor hoofdzakelijk een goede grensregeling gewenscht wordt, namelijk in het jachtgebied, dus van de kust tot den Mokkofiang, dit niet op voldoende wijze kan geschieden zonder plaatsing van een achttal grensteekens.

The placing of these markers would necessitate a second, rather expensive expedition for both Governments.

There is the additional point that practically the whole of the proposed border line runs over German territory, and that such a proposal obviously will not be accepted by Germany when there are other lines in the terrain which better satisfy the demands for a natural border and also make the extent or value of the areas to be ceded, more equivalent.

2. The Tami, Mosso and Jasa rivers to the border marker presumed under 1 at the crossing of the last river and the foot-path from New Mosso to Njaô. Further as indicated under 1.

By such a line the border is indicated in the terrain in a somewhat simpler and clearer way. However, the objections raised against an arrangement as under 1 are by no means eliminated.

3. The Tami and Bewani rivers to the terminal point under 1 g and further as indicated under 1.

By an arrangement such as this the objections raised against a border line as under 1 are eliminated. In the part for which a better border arrangement is mainly desired one acquires hereby a natural boundary which satisfies all demands.

Opposed to this is that, in accepting this proposal, the Netherlands loses the land between the above-mentioned rivers and the 141° East Longitude. At present this area contributes about one-third of the birds [of Paradise] upon which the trade - conducted at Humboldt Bay - is based. On the face of it, trade would decrease because of this by about 33 per cent. In the Commission's opinion, however, this trade will decrease in any case by the border settlement. The population east of the Tami River is, with the exception of some 50 persons living at Sangké and Kolonja, already *de facto* German, even though the people consider themselves as belonging to the Netherlands Indies. Regardless of the result of the border settlement a more or less large number of labourers, indispensable for bird hunting will now also become German in name while increased German supervision and an increased number of German hunters are bound to come. Until now only Netherlands Indies subjects were hunting as far as Mosso, Njaô, Sêkotjaho, and Krissi, all of which were presumed to be situated towards the west of the 141st meridian and supervision was almost exclusively exercised by Dutch authorities.

Unless the natives, therefore, would move to Netherlands territory a decrease of the trade as a result of the border arrangement is to be expected and this could be further aggravated by intensified German control and competition by German hunters.

With these prospects the Commission deems it incorrect to estimate the loss which the trade at Humboldt Bay can expect as a result of the cession of territories east of the Tami River, at the above-mentioned 33 per cent, but is of the opinion that the loss will be much lower. The total amount also will probably be much lower when the population is notified of the border alterations which may come about in due time, when inhabitants of land east of the Tami River are, if they so desire, offered land for settlement on the other side of that river with protection against other tribes, and especially when the hunters who work in the area concerned are given the opportunity gradually to find other grounds.

4. The Tami and Sangké rivers to the beginning point of 1 g. Further as indicated under 1.

With this arrangement the Netherlands would cede a somewhat smaller piece of territory than proposed under 3. This piece, however, is uninhabited with the exception of the little village of Sangké and its importance is not in proportion to its size. If one wished

De plaatsing daarvan zou een tweede, vrij kostbare expeditie voor beide Staten meebrengen.

Daarbij komt dat nagenoeg de geheele voorgestelde grenslijn over Duitsch gebied loopt en een dergelijk voorstel te eerder niet door laatstgenoemden Staat zal aangenomen worden, wanneer er andere in het terrein aanwezig zijn, welke beter aan de eischen voor natuurlijke grens voldoen en tevens de uitgebreidheid of waarde der terreinen, welke afgestaan worden, meer gelijk doen zijn.

2^e. De Tami, Mosso en Jasa tot het sub 1 onderstelde grensteeken aan het kruispunt van de laatste rivier en het voetpad van Nieuw Mosso naar Njaô. Verder als sub 1 is aangegeven.

Door een dergelijke lijn wordt de grens op eenigszins eenvoudiger en duidelijker wijze in het terrein aangegeven. De tegen een regeling als sub 1 aangevoerde bezwaren worden echter geenszins opgeheven.

3^e. De Tami en Bëwani tot het eindpunt van sub 1 g en verder als onder 1 is aangegeven.

Door een regeling als deze worden de bezwaren, aangevoerd tegen een grenslijn als sub 1 aangegeven, opgeheven. In het gedeelte waarvoor een betere grensregeling voornamelijk gewenscht is, wordt hierdoor een dusdanige natuurlijke grens verkregen, dat zij aan alle te stellen eischen voldoet.

Daartegenover staat dat bij aanneming van dit voorstel de streek tusschen de genoemde rivieren en den 141^o O.l. voor Nederland verloren gaat. Uit dit gebied komt thans ongeveer een derde van het aantal vogelhuiden, waarop de handel - aan de Humboldtbaai gedreven - berust. De handelsbeweging zou oppervlakkig gezien daardoor dus met ongeveer 33% verminderen. Echter zal deze volgens de meening der commissie door de grensregeling in elk geval verminderen. De bevolking beoosten de Tami is toch, op het vijftigtal menschen te Sangké en Kolonja woonachtig na, feitelijk reeds thans Duitsch onderdaan, al beschouwen zij zich zelf als onder Nederlandsch-Indië te behooren. Wat ook de uitslag der grensregeling mag zijn, zal dus een meer of minder groot aantal der voor de vogeljacht onmisbare arbeidskrachten ook in naam Duitsch worden, terwijl vermeerderd Duitsch toezicht en Deutsche jagers niet uit zullen blijven. Tot nu toe werd uitsluitend door Nederlandsch-Indische onderdanen gejaagd tot aan Mosso, Njaô, Sëkotjah en Krissi toe, welke plaatsen ondersteld werden alle nog bewesten den 141^{sten} graad te liggen, terwijl nagenoeg uitsluitend van Nederlandsche zijde toezicht uitgeoefend werd.

Tenzij dus de inboorlingen naar Nederlandsch gebied zouden verhuizen, is dus uit dien hoofde een vermindering van de handelsbeweging als gevolg van de grensregeling te verwachten, welke nog grooter kan worden tengevolge van verscherpt Duitsch toezicht en concurrentie door Deutsche jagers.

Bij deze vooruitzichten acht de commissie het onjuist de schade, welke de handelsbeweging te Humboldtbaai verwachten kan ten gevolge van den afstand van de landstreken beoosten de Tami, op bovengenoemde 33% te schatten, doch acht zij het daardoor te veroorzaken verliescijfer veel geringer. Het totale bedrag zal vermoedelijk ook veel lager zijn, indien tijdig aan de bevolking kennis wordt gegeven van de mogelijk komende grenswijzigingen, bewoners van terreinen beoosten de Tami desgewenscht streken aan de overzijde dier rivier ter vestiging worden aangewezen en zij daar bescherming genieten tegen andere stammen. En vooral wanneer de jagers, welke in de besproken streken werken, in de gelegenheid worden gesteld geleidelijk andere terreinen op te zoeken.

4^e. De Tami en Sangké tot het aanvangspunt sub 1 g. Verder als onder 1 is aangegeven.

Bij deze regeling zou Nederland een iets kleiner stuk afstaan dan in de sub 3 voorgestelde. Dit stuk is echter op het dorpje Sangké na onbewoond en niet van een, aan zijn

to adopt this proposal one would have to abandon the unbroken natural boundary in the area where it is of the most importance and accept the placing of two border markers in the part under 1 g.

5. The Tami, Bewani, and Begowre to its source. From there a line to the beginning point under 1 m.

An arrangement such as this one has the same advantage from the point of view of conforming to natural features as the line suggested under 3; it is attended, however, by a somewhat larger cession of territory by the Netherlands.

PROPOSALS

Considering that:

1. the population included in the territory between the Tami, Bewani and the 141st meridian is minimal, and, in the case of cession of this territory by the Netherlands to Germany, changes Sovereign in its entirety and, consequently, will not be partitioned;
2. the right of hunting, roving, and property in this area is chiefly exercised by tribes which are living on territory which is indisputably German and consequently subject to Germany, although they consider themselves subjects of the Netherlands Indies;
3. a very distinct natural boundary, which after simple notification is completely recognizable in the terrain both for the indigenous inhabitants and for the foreign natives settled at Humboldt Bay, is worth the possible loss of part of the trade at Humboldt Bay as this was evaluated in the previous chapter under 3;

The Commission proposes:

- "a. To adopt as the border between the New Guinea territories of the Netherlands and Germany the line formed by:

the right bank of the Tami River from the point of intersection with the low-water mark of the coast to the confluence of the Arso and Bewani rivers;

continued by the right bank of the Bewani River to a point athwart the neck of land between the confluence of both branches of this river upstream from Gabelbach;

continued by a line 1.5 kilometres long drawn in the direction SSE to the 1,100 metres high Hamisi peak;

continued by a line running in a general SSE direction along the ridge which connects the top of Mt Hamisi with that of a mountain 1,500 metres in height and 3.5 kilometres away;

continued by a line in the direction SSW to the beginning of the sharp mountain ridge located at 1.5 kilometres from the mountain 1,500 metres high;

continued by the sharp ridge which descends to the confluence of both main branches of the Keerom River;

continued by a line across the left main branch of the Keerom River and further along the left bank of the Keerom River to Bergeinde;

continued by a straight line 94 kilometres long running in a direction N. 174° E. from Bergeinde to the point formed by the right bank of the October River and the left bank of the Kaiserin Augusta River;

continued by the left bank of the Kaiserin Augusta River to the point formed by the left bank of that river and the left bank of the tributary which flows into the Kaiserin Augusta River at 4° 40' 42" S.L. and 141° 8' 35" E.L.;

grootte evenredig belang. Daarvoor zou men dan moeten afzien van de onafgebroken natuurlijke grens in het gebied waar deze het meest van belang is en over moeten gaan tot het plaatsen van twee grensteekens op het gedeelte sub 1 g.

5^e. De Tami, Bēwani en Bégowré tot haar oorsprong. Van daar een lijn naar het beginpunt sub 1 m.

Een regeling als deze bezit dezelfde voordeelen uit het oogpunt van natuurlijkheid der grens als die sub 3 voorgesteld, gaat echter gepaard met een wat grooteren afstand van grondgebied door Nederland.

VOORSTELLEN.

Overwegende dat:

- 1^e. de bevolking in het gebied begrepen tusschen de Tami, Bēwani en den 141^{sten} lengtegraad zeer klein is en bij een afstand van dit grondgebied door Nederland aan Duitschland in haar geheel van Souverein verwisselt, dus niet verdeeld wordt;
- 2^e. het jacht-, zwerv- en eigendomsrecht op dit gebied grootendeels wordt uitgeoefend door stammen, welke op onbetwistbaar Duitsch gebied woonachtig zijn en dus aan Duitschland onderhoorig, alhoewel zij zich als Nederlandsch-Indische onderdanen beschouwen;
- 3^e. een zeer duidelijke natuurlijke grens, welke na eenvoudige kennisgeving zoowel voor de inboorlingen als voor de zich te Humboldtbaai gevestigde vreemdelingen in het terrein volkomen kenbaar is, de mogelijke derving van een gedeelte der handelsbeweging aan de Humboldtbaai, zooals die in het vorige hoofdstuk sub 3 overwogen is, waard is;

Stelt de commissie voor:

- "a. Als grens tusschen de gebieden van Nederland en Duitschland op Nieuw-Guinea aan te nemen de lijn gevormd door:

den rechteroever der Tami-rivier, van af het snijpunt met de laagwaterlijn der kust tot aan de samenvloeiing der Arso- en Bēwani-rivier;

vervolgd door den rechteroever der Bēwani-rivier tot een punt, dwarsstrooms van de landtong tusschen de samenvloeiing der beide takken dezer rivier bovenstrooms van Gabelbach;

vervolgd door een lijn lang 1.5 KM. getrokken in de richting ZZO. naar den 1100 M. hoogen bergtop Hamisi;

vervolgd door een lijn loopende in algemeen ZZOtelijke richting over den rug, welke den top van den berg Hamisi verbindt met die van een op 3.5 KM. daarvan verwijderden berg van 1500 M. hoogte;

vervolgd door een lijn in de richting ZZW. naar den aanvang van den scherpen bergrug op 1.5 KM. van den 1500 M. hoogen berg gelegen;

vervolgd door den scherpen rug welke afdaalt naar de samenvloeiing van de beide hoofdtakken der Keeromrivier;

vervolgd door een lijn dwars over den stroom van den linker hoofdzijtak der Keeromrivier en verder langs den linkeroever der Keeromrivier tot Bergeinde;

vervolgd door een rechte lijn lang 94 KM. loopende in een richting N. 174° O. van Bergeinde naar de punt gevormd door den rechteroever der October-rivier en den linkeroever der Kaiserin-Augusta-rivier;

vervolgd door den linkeroever der Kaiserin-Augusta-rivier tot de punt gevormd door den linkeroever der Kaiserin-Augusta-rivier en den linkeroever der zijrivier, welke zich op 4° 40' 42" Z.b. en 141° 8' 35" O.l. in de Kaiserin-Augusta-rivier stort;

continued by the left bank of this tributary to a point located athwart the mouth of the right tributary brooklet which empties into this tributary of the Kaiserin Augusta River at $4^{\circ} 47'$ S.L.;

continued by a line about 28 kilometres long running in a direction of about N. 212° E. to the point of intersection of the fifth degree of South Latitude and the hundred and forty first degree of East Longitude;

- b. By "left" or "right" bank of a river must be understood the border between the bed of the most outwardly ramification of the river which rejoins the same and the bank covered with vegetation;
- c. In order to provide Netherlands Indies' subjects involved in bird hunting with the opportunity gradually to meet their financial obligations incurred during the period they were engaged in hunting activities in the region east of the Tami River, bordered by the Mosso River, and a line running through the villages of New Mosso, Njaô, Sëkofro, Sëkotjaho, and Krissi to the parallel of latitude of Ktissi, to make the stipulation that:

for three years after the determination of the boundary, hunting rights may be exercised by Netherlands Indies' subjects in the area bordered by the line indicated above, free from the regulations applying with regard to them in German New Guinea but subject to those in force in Netherlands New Guinea."²

Should the border suggested above cause the German Government to object to too great a cession of territory, one could counter by noting that the region to be ceded by the Netherlands at the mouth of the Tami is, as a result of the bird hunting which is carried on there, of more value than the worthless terrain which under the above arrangement will be lost by Germany. If, however, one wished to comply with possible objections of the German Government, it could be done by shifting the starting point of the straight border line between Bergeinde and the mouth of the October River along the Keerom River. Preferably, this should be done towards the mouth of the right tributary of the Keerom River which flows into the latter at $3^{\circ} 18' 47''$ S.L. and $140^{\circ} 56' 0''$ E.L.

By selecting this point as the starting point of the line concerned, a natural boundary point is maintained.

Hollandia, 14 February 1911.

The Commission,

J. LUYMES.

F.J.P. SACHSE.

A.F.H. DALHUISEN.

vervolgd door den linkeroever dezer zijrivier tot een punt dwarsstrooms gelegen van den mond eener rechter zijbeek, welke zich op $4^{\circ} 47'$ Z.b. in deze zijrivier der Kaiserin-Augusta-rivier stort;

vervolgd door een lijn, lang ongeveer 28 KM. en loopende in een richting ongeveer N. 212° O. naar het snijpunt van den vijfden graad Zuiderbreedte en den honderd één en veertigsten graad Oosterlengte;

- b. Onder linker- of rechteroever van een rivier te verstaan: de grens tusschen het bed der uiterste vertakking der rivier, welke weder in dezelve terugvloeit en den begroeiden oever;
- c. Teneinde verder de Nederlandsch-Indische onderdanen, betrokken bij de vogeljacht, in de gelegenheid te stellen hunne geldelijke verplichtingen, aangegaan tijdens dat door hen in de streek beoosten de Tami en begrensd door de Mosso, benevens een lijn loppende over de dorpen Nieuw Mosso, Njaô, Sëkofro, Sëkotjaho en Krissi, verder door den breedteparallel van Krissi, gejaagd mocht worden, geleidelijk af te doen, te bedingen dat:

gedurende drie jaren na vaststelling der grens, door Nederlandsch-Indische onderdanen het jachtrecht in de streek, begrensd door de bovenaangegeven lijnen, vrij van de dienaangaande in Duitsch Nieuw-Guinea geldende bepalingen, doch onderworpen aan de voor Nederlandsch Nieuw-Guinea bestaande, mag uitgeoefend worden".

Mocht de bovenvoorgestelde grens in haar geheel de Deutsche Regeering aanleiding geven op te komen tegen een daardoor te veroorzaken te grooten afstand van grondgebied Harerzijs, dan kan daartegen aangevoerd worden, dat het door Nederland aan den Tami-mond af te staan gebied ten gevolge van de daarop gedreven vogeljacht van meer waarde is dan de waardelooze terreinen, welke bij een regeling als boven aangegeven door Duitschland verloren worden. Wil men echter aan de eventueele bezwaren der Deutsche Regeering te gemoet komen, dan kan dit geschieden door het aanvangspunt der rechte grenslijn tusschen Bergeinde en den mond der October-rivier langs de Keeromrivier te verschuiven. Bij voorkeur zou dit dan moeten geschieden naar den mond der rechter zijrivier van de Keeromrivier, welke op $3^{\circ} 18' 47''$ Z.b. en $140^{\circ} 56' 0''$ O.l. in deze vloeit.

Door dit punt te kiezen blijft als aanvangspunt der betrokken lijn, een natuurlijk grenspunt behouden.

Hollandia, 14 Februari 1911.
De Commissie,

J. LUYMES.
F.J.P. SACHSE.
A.F.H. DALHUISEN.

**F The Boundary between the Australian and Netherlands
Possessions, 1928-1962**

F1 Memorandum of J.I. Merrylees to the Government Secretary,
Rabaul, concerning the border between the Mandated
Territory and Netherlands New Guinea¹

Territory of New Guinea

30/1/4

District Office
Aitape
14th May 1928

Memorandum for:-
The Government Secretary
Rabaul.

Subject:- Territory of New Guinea/Dutch Border

The following is a complete report to date of the circumstances leading up to the rather curious action of the Dutch authorities in advancing the international boundary to within about two miles of WUTONG.

In a letter dated 30th September 1927 the Gezaghebber of Hollandia informed the District Officer, Aitape, that the natives of SEKO SAE in Dutch territory had run away and he asked that this Government should refuse to receive them. Correspondence passed, the nature of our replies being that steps would be taken to return these people. Steps were taken but no satisfactory result was reached as the natives were hiding in ~~our~~ the bush.

On 7th March at Vanimo I interviewed a deputation of three SEKO natives and told them that if they brought all their people out of the bush and settled in a new village just east of TAMI River, I would then interview them and decide about the future. The Patrol Officer at Vanimo was informed to this effect and asked to report on the position on 30th April.

On 21st March Mr Rigby, Patrol Officer at Vanimo, proceeded to investigate the complaint that a German named Dettner was shooting birds of paradise in our Territory. Mr Rigby left WUTONG by canoe, his police scouts proceeding by land, and, owing to rough weather and the rugged coast, was unable to land east of TAMI River. He accordingly put into that river where he saw a number of natives and three Malays hurriedly leaving the east bank for the west. He interviewed one, a Dutch Malay police boss boy, and asked where the border was situated. The reply was that the Malay did not know but thought it was at LEITRE. After a friendly discussion the Malay concluded, after viewing Mr Rigby's map, that the boundary was as marked upon that map. The two then parted and Mr Rigby then crossed to the east bank and interviewed Dettner, who had been located in a house on the east bank.

Mr Rigby then learned that the party of Malays had just burnt the new village erected by the SEKO people and had cut up the spears, arrows and bows of the inhabitants.

¹ Commonwealth Archives Office, A 518, A.H. 800/1/3. Documents referred to in the Memorandum are found in the same file of the archives but have not been included here.

The question at once arose as to where the boundary was actually situated. According to local belief and old custom the boundary has always been regarded as the TAMI River. This fact has always been recognised by the natives of WUTONG and the border Dutch natives of SEKO. According to the maps and to a German chart in my possession, the boundary is clearly east of TAMI. Mr Rigby realising that the situation was delicate withdrew to Wutong with all convenient speed.

A number of SEKOS came to WUTONG, with the inhabitants of which they are friendly and speak almost the same language, and Mr Rigby advised them to build a new village on another site east of TAMI. They did so and on about 2nd April the Dutch Malay boss boy, some Malay police and missionaries raided this second village. A number of Sekos were captured (also two Wutong natives) and the houses were cut down and the dogs killed.

Again the Sekos ran away to Wutong. On about 3rd April the Medical TulTul, wearing his hat, and five natives of WUTONG proceeded on the bush road to TAMI with the intention of discovering why the two WUTONGS had been captured on the previous day. When passing through the sac sac [sago] swamp east of the river, a place they have been accustomed to visit without let or hindrance for a number of years, they were accosted by the Malay bossboy & a number of Malay police. They were asked what they were doing on Dutch territory without a pass and on replying that a pass was unnecessary were placed in custody. They were taken back along the road to WUTONG and at a spot about two miles west of the village they saw the Dutch erect a painted board which, they were informed, was the new boundary mark. They were then taken to Dettner's house and imprisoned for several days. They were roped together, the rope passing from neck to neck. On about 6th April the guard was lax so the Medical Tul Tul cut the ropes with a safety razor blade he had concealed in his laplap and the party effected their escape.

On 9th April I proceeded to Vanimo with the intention of carrying out a totally different investigation but, receiving notice of this change of border, proceeded to WUTONG arriving there on 11th idem. On arrival I found the WUTONG people very excited and keen to fight the Dutch; they even suggested that I should proceed with the police and drive the Dutch back over the TAMI. I proceeded in the afternoon to view the new boundary but, whilst I was changing into full uniform about one quarter mile east of the mark, the Malay sentry ran away. I waited at the border for over an hour, blowing my whistle from time to time, but no Malay showed himself. I thereupon withdrew after hoisting the Australian flag about ten yards east of the Dutch wooden mark.

I left WUTONG at 1.55 p.m. and proceeded along a fair track passing the taro garden at 2.35 and reaching the mark at 3.15 p.m. One small hill was ascended on the way. On the return I left the mark at 4.25 p.m. and reached the Rest House at WUTONG, the most easterly house, at 5.40 p.m. In my opinion the mark is approximately two miles west of WUTONG.

At WUTONG I found a number of SEKOS and told them to remain there pending further advice from me. I informed the natives of both SEKO and WUTONG that they must not pass the new border for any reason whatever, that they must on no account fight the Malays nor were they to send any threatening messages. I stationed Mr Cadet Thomas at WUTONG with written orders to see that my orders were rigorously enforced. The Medical TulTul & his fellow escapees had told me that the Malay boss boy had told them it was the intention of the Dutch to advance the border to YAKO if the present advance was not disputed. Mr Thomas was instructed that if any Dutch should come he was to request them to put their views into writing and forward same to me; he was courteously but firmly to decline to move from WUTONG and was to take every precaution to avoid a disturbance.

I returned to Aitape to dispatch a radio requesting instructions, my appreciation of the situation then being that the Malay boss boy was acting without authority of his superiors. I considered that he was alarmed at the arrival of Mr Rigby on 21st March and probably thought he had just escaped a trap. Actually Mr Rigby's arrival was a mere coincidence & most inopportune for the Malay. I also thought that the Malay, after seeing the map of Mr Rigby, had considered it to be a shrewd move to extend the Dutch border and so cover his action in burning SEKO village no.1. There was also information to the effect that a German named W. STIIBER [Stüber?], who last year requested information as to how to return to this territory, was behind the movement. STIIBER in his application stated that he intended to look for gum and gold in this territory. There is gold in the TAMI and what more likely then that he would want the border at a convenient distance from his claim. For a few shillings a Malay police man will do anything so the possibility that the bossboy had been bribed had to be taken into consideration.

At the time the recruiter Hook was at Vanimo and I knew that any rumour of gold discovery would bring him to the TAMI area. There was therefore the possibility of gold claims on the border & a long vista of international complications at once presented itself. It seemed desirable that the boundary be surveyed forth-with and I accordingly asked for this in my radio.

The situation on 11th April actually was that a number of SEKOS were at WUTONG, the new border was operative and the WUTONG people were no longer able to gather sac for their daily food.

On 27th April, just as I was leaving for WEWIAK [Wewak], a letter from Hollandia arrived. Owing to engine breakdown my return was delayed and I reached Aitape^{late} on 1st May. On 2nd idem the letter, which was in bad Dutch, was translated for me by a Frank de Hesselde, a Dutchman accompanying Mr Ireland on a recruiting trip. The contents, as will be seen from a perusal of the translation attached hereto, are somewhat peculiar and the language used is not that customary in official correspondence. Since according to the writer, the border has been closed by him, no reply, other than a formal acknowledgement through the post, was given. Mr Thomas at WUTONG gave an official formal receipt for a letter.

This document, Marked "B", I concluded was a pure bluff probably written by some Malay in the Hollandia office at the instigation of the boss boy. It is not signed by a responsible person. I considered that the next move would be a letter couched in more plaintive language requesting the return of the SEKOS and implying a status quo ante basis. In this I was not mistaken for on my return to WUTONG on 9th May Mr Thomas handed me document "E", written in English and signed by "N. HALIE" on a rubber stamp. Copy is attached.

On 9th inst I cruised along the coast in "Aloha" on a course due west from abreast WUTONG River to just west of TAMI. The times were as under:-

WUTONG River	outwards 1.46 p.m.	inwards 3.57 p.m.
Hill 310	2.30	
GERMANIA HUK	2.40	2.51
TAMI River	2.43	2.47
	totals 57 minutes	70 minutes

giving an average of $63 \frac{1}{2}$ minutes and thus making a distance of about five miles. This confirms to some extent the approximate accuracy of the 24 miles to one inch map.

On this second visit I enquired closely into the allegations made in document "B" from Hollandia and, after taking a number of statements, arrived at the conclusion that there is a little justification for charge "A" but the Malay bossboy aimed a revolver at UNAI alias WANA first, and as regards "C" the retreating SEKOS brought with them possibly against his will but not with connivance or knowledge of any of Mr Rigby's party the Dutch native LATI. Charge "B" is false for Mr Rigby interviewed the Malay just after the alleged incident "A" and he noticed no injury nor did the Malay even mention the matter to him. Mr Rigby knew absolutely nothing about the matter until later in the day.

Charge "D" is defamatory & I understand Mr Rigby is taking legal advice as to the action he shall take in the matter.

On the second visit I also discovered from some SEKOS that the original cause of grievance was that the bossboy publicly "lined" in their village a number of bamboo flutes and other secret contents of the SEKO House Tambaran thereby violating native custom and frightening the SEKOS away. He did so at the instigation of a Malay Mission teacher named KRUK, who seems to have taken a leading part in the burning of SEKO no 1 and destruction of SEKO no 2. The Assistant Resident at MANOKWARI who, I understand, is the chief of a wide area and is superior to the Gezaghebber and Controleur of Hollandia came to SEKO after the incident of the violation of Tambaran secrets, was angry with the bossboy and told the SEKOS to come back to their place. They however declined to do so and ran away into our territory.

The two WUTONG natives arrested with the SEKOS on about 2nd April returned to WUTONG on about 17th idem with a message (verbal) from HALIE ?, the Gezaghebber of Hollandia, to the effect that if SEKO natives returned they would be imprisoned and that if they stayed in British territory the village of SEKO would be burnt. He further told them that he was not a Dutchman and that he had a brother employed in this Territory. I gather that he is somewhat sympathetic for he added that the WUTONGS could not gather sac sac unless they were in possession of a pass; the last is very materially different from the former statements.

As I was leaving WUTONG on 12th inst a canoe flying the Dutch flag arrived from Hollandia bringing a communication (document "F") from the Controleur, HALIE (?). This is written in English and signed in ink; up to January 1928 he signed as Gezaghebber and, although I am unable to find out relative Dutch ranks, I gather that Hollandia station has still further been reduced in status and is now regarded as a border police post.

Halie requests an interview at Vanimo on 20th May and I have replied stating that I will be at Vanimo on 22nd inst when I shall be prepared to listen to any views he may care to advance. The map you are sending will arrive tomorrow per "Montoro" so that I will be in possession of the best map available. I don't think the Dutch have any judging by the sketch map enclosed with their document "B".

Our case is a very strong one. The boundary recognised by long established custom is the TAMI River and about a quarter of a mile this side, that is east, of the river is a surveyed road running, as far as I can gather absolutely straight into the bush for a considerable distance. As a road it is not useful and it is thought to be a surveyed boundary mark, pure and simple. It was cut under the direction of the Germans and I have interviewed some natives who participated in the work. Mr Appelby informs me that there are German survey marks of the international boundary in the Sepik District. Whether or not this road represents the 141 meridian I cannot say; it does not agree with maps in my possession or with your radio'd information regarding distances.

Assuming the boundary to be as marked on the maps and accepting, without prejudice, the new Dutch border mark as correct when I instructed the SEKO people to build a temporary village just east of TAMI River I actually returned the Sekos to their own country. When later Mr Rigby gave a similar instruction he actually returned them to their own country. Therefore the accusation in document "B" that we took no steps to return the Sekos is baseless and defamatory. It should be noted that the Dutch did not demand their return but merely asked us not to admit the Sekos or to continue ^{to allow} them to reside in our territory as they were not desirable. We have further a right to protest to the Dutch at their action in repeatedly driving their natives into our territory thereby causing unnecessary labour and expense to this Administration.

Alternatively, if the boundary is the surveyed line referred to above then the Dutch have twice violated our territory, have twice destroyed villages on our territory, have wrongfully imprisoned natives of our territory, have wrongfully deprived our Wutong natives of their saccsac reserves and have caused unnecessary expense and labour to this Administration. According to my schedule the compensation amounts to about £3,000.

From a commonsense point of view we do not desire to shelter natives whom the Dutch state are criminals and there was never any intention on the part of any Aitape officer to do so. The arbitrary act of the Dutch in changing the boundary left us in the dark as to their intentions and I cannot quite believe that the alteration was solely due to the Dutch desire to punish the Wutong people for inciting the Sekos to desert. There is something further, the nature of which is at present obscure.

In view of the Dutch action we can but fall back on law for it is possible and even probable that ultimately the case will go to the League of Nations for a decision on the border line. There is an Extradition Ordinance of 1927 which provides for the extradition of criminals; section 16a of the Native Administration Regs., a new amendment, provides that a native may not leave the Territory unless in possession of a pass signed by the Administrator or an authorised officer. There is no authorised officer in the District.

Action could be taken against those SEKOS, whom it was proved had lived in our territory, under the Aliens Registration Act adopted and they could be punished for non-registration. They came overland and not by an overseas ship, which complicates matters. The Immigration Act Section 3 a & g could be applied and the natives would be deported on the order of the proper authority. It should be observed that one native could pass the dictation test.

It is hoped that the whole matter will be satisfactorily settled at the interview on 22nd May. If the Dutch, however, insist on retaining the new border - and I frankly think they are entitled to do so - then the WUTONG people must be moved to another site where there is sufficient sac sac for their needs. Such a site exists about three miles east of Vanimo station; there is a big belt of country, at present unused, which they could have and the purchase of this could easily be arranged. At present there is a party of Wutongs cutting saccsac there.

We do not want the SEKOS particularly but against that there is no reason why we should [not accept them if they wish to stay. They seem decent people and would not cause trouble. It is thought that it would be a bad precedent for, since we treat the natives more leniently than the Dutch, we should probably be faced with a wholesale immigration from the villages east of Humboldt Bay.

I do not propose to commit myself to a definite answer as to the fate of the Sekos for I feel that it is a question of policy which I am unable to decide. In former years the

Dutch policy has been to allow the natives to decide for themselves; there is a precedent, I am informed, that when application was made/^{by us}for runaway WUTONGS some years ago the reply given was that if the natives wished to return they might do so. I will discover the Dutch feeling at the interview and report accordingly.

[sgd.] J.I. Merrylees
Acting District Officer.

No.1008

London 22 July 1933.

My dear Minister,

Referring to the conversation which I was so fortunate to have with Your Excellencie [sic] last week, I now have the honour to submit the following proposal to you to be transmitted to the Australian Government.

The Netherland Government deem it most desirable that the exact situation of the 141° E.L. meridian which, as you are aware, forms the boundary between Dutch New-Guinea and the mandated territory of that island, should be re-examined and demarcated in all its details. The geographical situation of this meridian has changed in the course of time. In consequence of the continual improvement and perfection of astronomical and other technical instruments, it was shown at the time of the hydrographic survey of the North Coast of New-Guinea by Her Majesty's survey vessel "Tydeman" in 1924-1930, that said meridian was lying at 1°16'3" [sic] or about 2357 Meters more to the East than had been formerly accepted of the survey made in 1896-99 by the German vessel "Möwe".

The Dutch survey was a continuation of that of the Geelvink bay in 1917-1932. The latter was based upon astronomical positions, deduced from stars observations by a universal instrument (a theodolite with internal illumination [sic] of the cross wires, allowing nightly [sic] observations) with 6 inch circles and radio time signals, emitted at Malabar, near Bandoeng (Java). The accuracy of the continued survey was repeatedly verified by control bases and true bearings. On arrival at Germania Point a beacon was erected on the same place as the final beacon of the German survey, but the position found by the "Tydeman" differed from that by the "Möwe" by 33", 5 in latitude and 1'12", 6 in longitude, the German position being more Northerly and Easterly than the Dutch one.

In order to ascertain the cause of these differences the Commander of the Tydeman took astronomical observations on four stars at Soeadji Point, using the instrument mentioned above and also radio time signals of Malabar. Soeadji Point is situated at the East side of Hollandia Bay, about 20.5 km to the West of Germania Point. The position of Germania Point, based upon ^{the} astronomical position of Soeadji, showed differences of 14", 1 in latitude and 1'16", 3 in longitude with the German position, the direction of these differences being the same as above. For the maximum error of the Dutch position is accepted 2", 5 in latitude, or 77m, and 10" in Longitude, or 309 m, not considering a possible local deflection of the plumb line. With a probability well nigh certainty, the real errors will be smaller than these maxima.

No amounts can be given as to the errors of the position according to the German observations, but it may be deduced from the method of working that these errors must be

¹ Netherlands, London Embassy Archives, Doss.B-7.

considerably larger. The German survey is based upon an astronomical position the longitude of which is obtained by a so called "absolute method" viz. independently of transport of time by chronometers. The observations, altitudes of the moon, were taken by Dr. Hayn at Angrifshafen, situated about 45 km East of Germania Point.² That the results of this method are decidedly inferior to those obtained by radio signals, follows from what is stated on page 292 of "Hydrographical Surveying" originally by Rear Admiral Wharton, edition 1920.

In these circumstances the Netherland Government think it most desirable that the details of the boundary following the corrected 141st meridian should be fixed by means of an exchange of written documents between the two Governments. I have therefore been instructed to request from the Australian Government the permission for the local and naval Netherland Authorities who will be charged with the preliminary investigations, to enter eventually the territory under Australian mandate when trying to determine the exact location of the meridian, and at the same time to ask the Australian Government, should they agree with the information to be furnished, to appoint from their side also competent persons to communicate with the above mentioned Netherland Authorities, in order to proceed afterwards together to the fixing on the coast of the spot where the meridian intersects the North Coast of New Guinea.

As soon as the Australian Government agree with the above, the Netherland Government will inform them of the names of the Netherland officials in question.

I have been instructed to point out especially to Your Excellency the urgent character of this proposal and the particular wish of the Netherland Government that the suggested survey should start early in the coming month of August, in view of the atmospheric conditions in the country in question, as well as of the fact that the Dutch survey vessel "Willebrord Snellius" is now in the neighbourhood of North New Guinea for other purposes. This vessel would be no more available after the month of August and it would be difficult for Her Majesty's Government to make any suggestion as to a later date at which the joint survey in that case could take place.

In view of the above Your Excellency will easily realize how much an answer at the earliest convenience will be appreciated.

I have the honour to remain, my dear Minister.

Sincerely Yours,

The Right Honourable S.M. Bruce,
Resident Minister of Australia

² See Doc. E.1.

F3 R. de Marees van Swinderen to S.M. Bruce¹

London, 30th January 1934.

My dear High Commissioner,
~~My dear Minister,~~

With reference to Your Excellency's letter of 25th July and the Official Secretary's letter No 1078 of 3rd August confirming inter alia that the 141st meridian of East Longitude forms the boundary between Netherlands New Guinea and the Mandated Territory of New Guinea I beg to advise that the joint survey for the purpose of demarcating that meridian has taken place and I beg to enclose the copy of a declaration on the subject signed by the Australian Staff surveyor and by the Netherland naval lieutenants on board H.N.M. "Willebrord Snellius".

My Government in accordance with this declaration now assume that the 141st meridian - being the boundary between the Netherlands Colonial and the Australian Mandated Territories - traverses the North Coast of the island at the point where the monument referred to in the declaration has been erected and that it continues to run through the island from that point.

I shall be glad if Your Excellency will at your convenience inform me ^{that} whether the Australian Government ^{are} are likewise in agreement with the contents of the declaration and ~~whether they would be~~ prepared as suggested by my Government to exchange official notes in confirmation thereof.

I have the honour to remain my dear ~~Minister~~ High Commissioner

Yours sincerely

[sgd.] VS [R. de Marees van Swinderen]

The Right Hon.
S.M. Bruce
Resident-Minister High Commissioner
of the Australian Commonwealth

¹ Netherlands, London Embassy Archives, Doss.B-7.

F4 Exchange of Notes between His Majesty's government in the Commonwealth of Australia and the Netherlands government constituting an agreement regarding the boundary between Netherlands New Guinea and the territory of New Guinea administered under mandate by His Majesty's government in the Commonwealth of Australia¹

English and Dutch official texts communicated by the High Commissioner of the Commonwealth of Australia in London. The registration of this Exchange of Notes took place December 21st, 1936.

Textes officiels anglais et néerlandais communiqués par le haut commissaire du Commonwealth d'Australie à Londres. L'enregistrement de cet échange de notes a eu lieu le 21 décembre 1936.

I.

Australia House,
Strand, London, W.C.2.

September 14th, 1936.

Sir,

On the 22nd July 1933, the Netherlands Government stated that they considered it most desirable that the exact location of the 141st Meridian of East Longitude, which forms the boundary between Netherlands New Guinea and the territory of New Guinea administered under mandate by His Majesty's Government in the Commonwealth of Australia, should be re-examined and demarcated and its position fixed by means of an exchange of documents between the Netherlands Government and His Majesty's Government in the Commonwealth of Australia.

His Majesty's Government in the Commonwealth of Australia having signified their agreement with this proposal, Staff Surveyor A.A. Chauncy of the Mandated Territory of New Guinea and the Netherlands survey officers from Hr. Ms. surveying ship "Willebrord Snellius", met in due course to determine the position of the boundary on the North Coast of New Guinea, and on the 2nd September 1933 drew up jointly and signed a Declaration, in the English and Netherlands languages, of which copies are enclosed herein. As stated in the Declaration the surveyors placed a monument on the ground of the nature and with the inscriptions described in the Declaration.

I now have the honour to inform you that His Majesty's Government in the Commonwealth of Australia propose that the boundary between Netherlands New Guinea and the territory of New Guinea administered under mandate by His Majesty's Government in the Commonwealth of Australia shall continue to be the 141st Meridian of East Longitude, and that for the purposes

¹ League of Nations, Treaty Series. Vol. CLXXIII (1936-7), No. 4022, pp. 326-9. In the original text II follows I, and both English and Dutch versions of the Declaration are on one page.

II.

Netherland Legation.

No. 1609.

London, September 14th, 1936.

Sir,

On the 22nd July 1933 the Netherland Government stated that they considered it most desirable that the exact location of the 141st Meridian of East Longitude, which forms the boundary between Netherland New Guinea and the territory of New Guinea administered under mandate by His Majesty's Government in the Commonwealth of Australia, should be re-examined and demarcated, and its position fixed by means of an exchange of documents between the Netherland Government and His Majesty's Government in the Commonwealth of Australia.

2. His Majesty's Government in the Commonwealth of Australia having signified their agreement with this proposal, Staff Surveyor A.A. Chauncy of the Mandated Territory of New Guinea and the Netherland survey officers from Hr. Ms. surveying ship "Willebrord Snellius", met in due course to determine the position of the boundary on the North Coast of New Guinea, and on the 2nd September 1933, drew up jointly and signed a Declaration in the Netherland and English languages, of which copies are enclosed herein. As stated in the Declaration the surveyors placed a monument on the grounds of the nature and with the inscriptions described in the Declaration.

3. I now have the honour to inform you that the Netherland Government propose that the boundary between Netherland New Guinea and the territory of New Guinea administered under mandate by His Majesty's Government in the Commonwealth of Australia shall continue to be the 141st Meridian of East Longitude, and that for the purposes of this document, such

of this document, such Meridian shall be deemed to be a line running true North and true South from the middle point of the said monument, and that this line shall continue to be the boundary whether or not subsequent surveys should indicate that the said monument is in fact situated somewhat to the East or West of the 141st Meridian of East Longitude.

His Majesty's Government in the Commonwealth of Australia further propose that the responsibility and cost of maintenance of the said monument should be shared equally between them and the Netherlands Government, that the said monument should be periodically inspected jointly by representatives of the two Governments in order to ensure that it is properly maintained in its present position, and that, on the occasion of some such joint inspection, the position of the monument in relation to the permanent features of the surrounding country shall be ascertained and placed on record. They would further suggest that on this occasion a second monument should be erected, and its position duly recorded, in order to establish on the ground the general alignment of the boundary.

If the Netherlands Government also accept the foregoing proposals, I have the honour to suggest that this Note with the copies of the above-mentioned Declaration in the English and Netherlands languages, together with your reply in similar terms likewise with the copies of the above-mentioned Declaration, shall be regarded as constituting with effect from the date of your reply a definite Agreement between the two Governments in regard to this boundary.

I have the honour to remain, Sir, with the highest consideration, Your obedient Servant.

(Sgd.) S.M. Bruce.

Jonkheer R. de Marees van Swinderen, G.C.V.O.,
Envoy Extraordinary and Minister Plenipotentiary,
Netherlands Legation,
21, Portman Square,
W.1.

Meridian shall be deemed to be a line running true North and true South from the middle point of the said monument, and that this line shall continue to be the boundary whether or not subsequent surveys should indicate that the said monument is in fact situated somewhat to the East or West of the 141st Meridian of East longitude.

4. The Netherland Government further propose that the responsibility and cost of maintenance of the said monument should be shared equally between them and His Majesty's Government in the Commonwealth of Australia, that the said monument should be periodically inspected jointly by representatives of the two Governments in order to ensure that it is properly maintained in its present position, and that, on the occasion of some such joint inspection, the position of the monument in relation to the permanent features of the surrounding country shall be ascertained and placed on record. They would further suggest that on this occasion a second monument should be erected, and its position duly recorded, in order to establish on the ground the general alignment of the boundary.

5. If His Majesty's Government in the Commonwealth of Australia also accept the foregoing proposals, I have the honour to suggest that this Note with the copies of the above-mentioned Declaration in the Netherland and English languages, together with your reply in similar terms likewise with the copies of the above-mentioned Declaration, shall be regarded as constituting, with effect from the date of your reply, a definite Agreement between the two Governments in regard to this boundary.

I have the honour to remain, Sir, with the highest consideration, Your obedient Servant.

(Sgd.) R. de Marees van Swinderen.

The High Commissioner of the
Commonwealth of Australia,
Australia House,
W.C.2.

DECLARATION.

By the Netherlands surveying vessel "Willebrord Snellius" the position of the 141st Meridian of East Longitude on the North Coast of New Guinea was determined from the astronomical point "Van Aller" on Tandjong Soeadja (Humboldt Bay, Western Side) and a difference in longitude of 398.0 metres was disclosed with the Australian observations made in 1928 and which have now been checked by the Australian Staff Surveyor A.A. Chauncy.

By mutual agreement, it was decided to halve the difference as determined by the national representatives. This position not proving suitable for a monument, after further conference a site was decided on for practical purposes, approximately 31 metres west of such mean position.

By measurement the monument now stands 167.7 metres east of the position of the 141st Meridian of East Longitude as determined by the Netherlands observations and 230.3 metres west of the position of the said 141st Meridian as determined by Australian observations.

The monument comprises a plinth of about 1 metre in height surmounted by an obelisk 2.7 metres in height with a base measurement of 1.5 metres.

The inscription is as follows:

Oostelijke grens Nederlandsch
Nieuw Guinea
141° O.L.Gr.
Eastern border Netherlands
New Guinea
141° E.L.Gr.
Hr. Ms. "W. Snellius" Aug. 1933.

De Luitenant ter Zee der 1^e klasse, Commandant Hr. Ms. "Willebrord Snellius"

(Sgd.) J. Tissot van Patot

De Luitenant ter Zee der 2de klasse Oudste Officier a/b Hr. Ms. "Willebrord Snellius"

(Sgd.) A.C. Versendaal. [sic]

Staff Surveyor Commissioner for the Territory of New Guinea

(Sgd.) A.A. Chauncy.

On board Hr. Ms. "Willebrord Snellius",
2nd September, 1935.[sic]

Texte néerlandais. - Dutch Text.

VERKLARING.

De door het Nederlandsche opnemingsvaartuig "Willebrord Snellius" bepaalde plaats van de 141ste lengtegraad afgeleid uit het Astronomisch punt "Van Aller" op Tandjong Soeadja aan de Westzijde der Humboldt baai, verschilde in lengte 398,0 meter met die voortkomend uit Australische waarnemingen, welke door den Australischen Surveyor A.A. Chauncy werden gecontroleerd en als juist zijn aangenomen. In na onderling overleg verkregen volledige overeenstemming werd besloten dit overblijvende gedeelte zoo nabij mogelijk in twee gedeelten te verdeelen, waarbij uit practische overwegingen de grens zoodanig werd gekozen, dat het op te richten grensteeken op een daarvoor geschikte plaats kon worden gebouwd. De steen werd daarom op ongeveer 31 meter bewesten het midden geplaatst, zoodat hij 167,7 meter beoosten den meridiaan van 141° volgens de Nederlandsche waarnemingen en 230,3 meter bewesten den genoemden meridiaan volgens de Australische waarnemingen is opgericht.

Het teeken bestaat uit een pilaar van gewapend beton samengesteld uit een voetstuk van 1 meter hoog en 2 meter in het vierkant, waarop een obelisk van 2,7 meter hoog en met een basis van 1,5 meter.

Het draagt als opschrift:

Oostelijke grens Nederlandsch
Nieuw Guinea

141° O.L.Gr.
Eastern border Netherlands
New Guinea

141° E.L.Gr.
Hr. Ms. "W. Snellius" Aug. 1933.

De Luitenant ter Zee 1^e klasse Commandant Hr. Ms. "Willebrord Snellius"

(get.) J. Tissot van Patot

De Luitenant ter Zee der 2de klasse Oudste Officier a/b Hr. Ms. "Willebrord Snellius"

(get.) A.C. van Versendaal.

Staff Surveyor Commissioner for the Territory of New Guinea

(s.) A.A. Chauncy.

Aan boord Hr. Ms. "Willebrord Snellius",
2 September 1933.

F5 J.P. Count van Limburg Stirum to S.M. Bruce¹

NETHERLAND LEGATION.
No. 2704.

21A PORTMAN SQUARE
LONDON, W.1.
6th September 1939.

Sir;

With reference to the agreement concluded by means of an exchange of notes on the 14th September 1936 between you and my predecessor for the determination of the boundary between Netherland New Guinea and the territory of New Guinea under Australian mandate, I have the honour to inform you that my Government consider it desirable that the exact boundary should now be established in that part of New Guinea where the meridian intersects the river Fly. It may be recalled that the boundary in the Southern part of New Guinea has been determined by the Netherland-British treaty of the 16th May 1895. This treaty provides that the boundary starting at the South coast in the middle of the mouth of the river Bensbach at approximately 141°1'47,9" East Longitude runs along the meridian through the middle of that river mouth to the point of intersection with the river Fly. From this point the "thalweg" of the Fly is followed to the most Northern intersection of the Fly with the meridian of 141° East Longitude. This meridian forms the boundary up to the North Coast. It appears that this definition has given rise to uncertainty more particularly lately since exploration has been taken up on either side of the border. Different reports have been received about local difficulties that have arisen from this uncertainty. Therefore the Netherland Government suggest that the Southern point of intersection of the meridian of 141°1'47,9" East Longitude with the River Fly and the Northern point of intersection of the "thalweg" with the 141° East Longitude be determined astronomically and fixed with the aid of a concrete landmark. If the Australian Government are prepared to collaborate in the above demarcation my Government propose that the procedure adopted in 1933 should be followed again. The Netherland officials would then go to the River Fly by air from Ambon whilst the Australian officials could sail up the Fly by ship taking with them all that is necessary for the erection of monuments and camping. In case you can inform me that the Australian Government are agreeable to this proposal, it would be simplest if the Australian Government like in 1933 communicate direct with the Netherlands-Indian

¹ Netherlands, London Embassy Archives, Doss.A-19. Count Van Limburg Stirum, a former Governor-General of the Netherlands Indies (1916-21), had been Netherlands Envoy in London since June 1937.

Government with regard to the plan and the details of the operations to be carried out. Weather in October being stated to be most favourable for these operations, an early reply would be greatly appreciated.

I have the honour to remain,
Sir,
With the highest consideration,
Your obedient Servant,

LIMBURG STIRUM

The Right Honourable S.M. Bruce, MC,
High Commissioner for the Australian
Commonwealth,
Australia House, Strand, W.C.2.

F6 Border Conference. Ingembit Village¹

[10 September 1954]

In conference between officers of the Netherlands and Australian Administrations at Ingembit village on September 10th, 1954, agreement was reached on the following points of Administration of the border area in that locality.

All agreement is subject to approval by higher authority[.]

(1) It is agreed that the villages situated in the vicinity of the border, but whose actual position in relation to the border is doubtful, be controlled as follows:

- (a) Iongoromgo, Irimkui, Amare, Biripkim, Kumgim, Aman, Ambaga, Namango, Woran, Timin, Koiman, Geremundari to be controlled by the Australian Authorities
- (b) Koromgin, Iendam, Kabomdan, Ingembit, Opka, Wairin, Dingomban, to be controlled by the Netherlands Authorities.

A very possible error was eliminated in the case of Kumgin, but the decisions were largely based on existing respective established control. These decisions are to be regarded as binding, pending a definite survey of the border.

(2) It is recognised that peoples on both sides of the border are closely related and agreed that short visits by natives from Papua to Netherlands New Guinea and visa versa are permissible [sic] but that lengthy stays are to be strongly discouraged.

(3) It is agreed that movement of villages or parts of villages, from one side of the border to the other should be prevented, and that, should this occur, the people be returned to their original territory.

(4) It is agreed that natives from Netherlands New Guinea should not be recruited for employment in Papuan territory, nor should Papuan natives be recruited for employment in Netherlands New Guinea and that movement of natives from one Territory to the other in search of employment be prevented as far as possible.

Leading natives from the villages concerned were present at the conference, and the decisions reached, together with the reasons for these decisions, were clearly explained to them.

Signed J.C. Baker P.O.

O.I.C. Kiunga Patrol Post W.D.

signed C.H. Stefels

Onderafdelingschef Boven Digoel

Conferring Officers

Voor afschrift,
Het Hoofd van Plaatselijk Bestuur,
C.H. Stefels

¹ Netherlands New Guinea, Memorie van Overgave, Boven Digoel. 1954. Appendix VI.

F7 Discussions between Sydney Elliott Smith and Sj. van der Goot
concerning the Waris border area¹

[Hollandia, 13 June 1956]

In the presence of the subdivisional Head of Hollandia Mr. C.K. Jonasse, discussions concerning the situation in the Wembi/Waris area situated on the boundary between Australian and Dutch New Guinea, Lat. 3° S., and south of it, were opened at 8 o'clock.

A short explanation is given by the Resident regarding the situation on the Dutch side, in which explanation are further mentioned the administrative posts at Wembi, Waris and Jafi, the police station at Waris, the flying grounds being laid out there, as well as the flying grounds in use at Senggi and Arso.

The difficulty is that in this area a clear boundary delimitation has never been effectively established, for which reason it has so far been impossible to determine with any certainty the location of the 141st boundary meridian there. Ever since about 1937 contacts from Hollandia with this area have existed from the Dutch side, which for a number of years past have become more intensive. The international boundary line was known to run east of Waris, but at what exact distance was unknown. At present it is firmly believed however, that it runs quite close to it so that many villages with which so far the Dutch concerned themselves are on the Australian side of the boundary line. The total number of the population of these villages may be roughly estimated at 4.000.

According to Mr. Elliott² there is no administrative post on the Australian side of this territory and patrolling by Australian patrol-officers is confined to the more easterly areas. Administrative posts are at Vanimo in the North and on the Green-river in the South.

In the opinion of the Resident it should not be considered justified at present to leave this area as the population has got accustomed to a certain form of Government and labour for Hollandia is being regularly recruited from this area.

In case the Dutch authorities should withdraw without the Australian Authorities having made provisions within a short time, the procedure would undoubtedly lead to a "vacuum", which could not be accounted for.

According to Mr. Elliott no provisions can be made by the Australian government at present with regard to this territory, for which reason Mr. Elliott would appreciate the present situation, in which the Dutch authorities are in control of this area to be perpetuated, until the boundary line has been definitely established by a boundary commission.

The Resident declares to be fully prepared to agree to this proposal pointing out at the same time, however, the difficulties which may arise from the situation in connection with

¹ Netherlands Ministry of Foreign Affairs, Archives. Attached to the letter from Ministerie van Overzeese Rijksdelen of 30 July 1956, No.1914 37/973.

² Presumably Mr Sydney Elliott Smith.

legal proceedings against and passing of sentences by Dutch authorities on inhabitants from the area concerned. Mr. Elliott declares to realise the possibility of the complications which may proceed from the situation and provisions made as soon as possible would certainly be desirable therefore.

A combined Dutch-Australian patrol might be useful in this area so that the situation on the spot could be further ascertained and the place of the Australian administrative post might be decided on.

According to the Resident part of the population has already intimated the desire to belong to the Dutch territory. He went on to say that the above difficulties will be added to by the fact that various schools, some of which subsidized by the Government, have been established by different religious sects.

He would appreciate the establishment of an Australian post in this area.

Mr. Elliott realises the necessity of the last mentioned fact and in his opinion this is the only possible solution at the moment. In view of the fact that the Dutch have always been in control of this area and have available data at their disposal, he would advocate close cooperation with the Dutch authorities and combined patrols.

Authorities of the two Governments would have to be instructed to take all measures by mutual arrangement, each in his own field.

Their findings might provide basic data in behalf of the boundary commission to be afterwards nominated.

In his opinion one thing and another should have to be arranged as soon as possible as well as the arrangements to be made for a combined reconnaissance patrol, e.g. as soon as possible after completion of the Waris airstrip.

For as long as no further arrangements have been made he would appreciate the present situation to be continued. Both parties are in entire agreement as to the above mentioned.

After having decided that there are no objections to people from Vaimo visiting Hollandia from time to time, provided they are in possession of a passport issued by the local Australian authorities, the meeting is closed.

The Districtscommissioner [sic]
Sepik-district,

The Resident of Hollandia

S. Elliott Smith

Sj. van der Goot

F8 Brief report of the visit of the District Commissioner of Daru
to Merauke from 2 to 6 June 1956¹

[Merauke, 22 June 1956]

...
Consultations were held with the District Commissioner [A. Champion] concerning a number of border difficulties of which clearly the most important is the dispute over the village of Bosset on Lake Wan [sic] in the Onderafdeling of Merauke. On the maps brought by Mr. CHAMPION the whole of Lake Wan [sic] is in Australian territory, while on all of our maps the boundary runs through the middle of the lake so that Bosset village, located on the western bank, would belong to Netherlands territory. The Catholic Mission at Merauke has an elementary school at Bosset which is subsidized by our Government; a Keiese teacher has been assigned there who teaches the schoolchildren Malay. Recently, moreover, a rain-gauge has been put in the village on behalf of the meteorological bureau. In actual fact, however, this village is administered by the Australian official from Lake Murray. Recruitment of labourers has taken place and a number of these workers committed a breach of contract in Port Moresby some two years ago. They, therefore, were not returned to their place of origin by the Administration. The Catholic Mission, as spiritual caretaker of this village, raises objections to this because the families which have been left behind are in unfavourable circumstances. On the other hand, one often meets persons from Bosset in Merauke who, because of their knowledge of Malay, are able to work there as labourers. It was agreed, in anticipation of the determination of the border by a Mixed Netherlands-Australian Commission, to determine the position of Bosset by astronomical observations. These will be carried out by Mr. VAN DER WEIDEN of the Land Registry Office. If these observations are in our favour, Mr. CHAMPION will instruct the Assistant District Officer at Lake Murray to discontinue his concern with Bosset; if the results are the other way it will be proposed by me to withdraw the subsidy to the school, the inspection from the Department of Education will no longer concern itself with the school, and the rain-gauge will be removed.

In addition, some matters were discussed which had arisen in the execution of the Inggembit Agreement. This agreement had been concluded by the Patrol Officer from Kiunga and the Controleur of Boven Digoel on 10 September 1954 and had regulated the status of 19 villages located in the border area.² Here too, the ultimate survey of the boundary by the Mixed Boundary Commission will be decisive with the understanding that, when a village is found to be located on the wrong side of the border, an effort will be made to move the village to the territory to which since 1934 it has been considered to belong. The development of the villages on both sides of the border diverges more markedly as the Administration

¹ Netherlands Ministry of Foreign Affairs, Archives. Attached to the letter from Ministerie van Overzeese Rijksdelen of 30 July 1956, No.191437/973.

² See Doc. F.6.

... Met de district-commissioner werd overleg gepleegd inzake enkele grensmoeilijkheden, waarvan de belangrijkste wel is het geschil omtrent het dorp Bosset aan het Wan-meer in de onderafdeling Merauke. Op de kaarten welke de heer CHAMPION meebracht, ligt het gehele Wan-meer op Australisch gebied, terwijl op al onze kaarten de grens midden door dit meer loopt waardoor het dorp Bosset, op de westelijke oever gelegen, tot het Nederlands gebied zou behoren. De Katholieke Missie van Merauke heeft te Bosset een volkschool die door ons Gouvernement wordt gesubsidieerd, er is een Keiese onderwijzer geplaatst, die de schoolkinderen maleis leert. Onlangs is daar bovendien nog een regenmeter geplaatst vanwege het meteorologisch bureau. Effectief wordt dit dorp evenwel door de Australische bestuursambtenaar van Lake Murray bestuurd. Er heeft daar werving van arbeiders plaats gevonden, waarvan een aantal twee jaar geleden te Port Moresby contractbreuk heeft gepleegd, en die daarom niet van overheidswege naar hun plaats van herkomst worden teruggezonden. De Katholieke Missie, als geestelijke verzorger van dit dorp, maakt hiertegen bezwaar omdat de achtergelaten gezinnen thans in ongunstige omstandigheden zijn komen te verkeren. Anderzijds ontmoet men dikwijls mensen uit Bosset in Merauke, die door hun kennis van het maleis in staat zijn om daar als arbeider werkzaam te zijn. Afgesproken werd om, vooruitlopende op de vaststelling van de grens door een gemengd Nederlands-Australische commissie, de positie van Bosset middels astronomische waarnemingen te bepalen, welke waarnemingen zullen worden uitgevoerd door de heer VAN DER WEIDEN van het Kadaster. Mochten deze waarnemingen in ons voordeel uitvallen, dan zal de heer CHAMPION de assistant district officer van Lake Murray instrueren om zijn bemoeienis met Bosset te staken, omgekeerd zal door mij worden voorgesteld om de subsidie aan de dorps-school in te trekken, de Onderwijsinspectie zal zich niet meer met de school bemoeien en de regenmeter zal worden verwijderd.

Voorts werden enkele kwesties besproken welke gerezen waren bij de uitvoering van de overeenkomst van Inggembit, welke op 10 september 1954 is vastgesteld door de patrol officer van Kiunga en de controleur van Boven Digoel, en waarbij de status van 19 in het grensgebied gelegen dorpen werd geregeld. Ook hier zal de definitieve opname van de grens door de gemengde grenscommissie uiteindelijk doorslaggevend zijn, met dien verstande dat wanneer een dorp aan de verkeerde kant van de grens zal blijken te liggen, er moeite gedaan zal worden om het dorp te verplaatsen naar het gebied, waartoe het sedert 1934 wordt gerekend te behoren. De ontwikkeling van de dorpen aan weerszijden van de grens divergeert sterker naarmate de bestuursvoering langer invloed uitoefent; die aan deze kant

exercises influence over a longer period; those on this side of the border use Malay as lingua franca, [those] on the other, Motu. The village organization, too, has become different. One just cannot confront these simple people once again with another administrative change-over. The border villages generally have their doesoens [gardens] on both sides of the boundary so that such a move [of villages] will not involve too great a burden.

...

Merauke, 22 June 1956.

The Resident of South New Guinea

[Sgd.] A. Boendermaker

van de grens hebben het maleis als voertaal, aan de andere kant het motu. Ook is de dorpsorganisatie anders geworden. Het gaat niet aan deze eenvoudige mensen wederom voor een nieuwe omschakeling te plaatsen. De grensdorpen hebben over het algemeen hun doesoens aan weerszijden van de grens, zodat een zodanige verhuizing geen al te grote bezwaren met zich zal brengen.

...

Merauke, 22 juni 1956.

De Resident van Zuid Nieuw Guinea,

(A. Boendermaker)

F9 Australian-Dutch Conference on Survey and Mapping¹

[Delft, 23 August 1960]

Notes on

Conference on Survey and Mapping of International Border between Netherlands and Australian New-Guinea.

Time and Place.

Held in the Office of the Director of the Topographic Service, Netherlands Department of Defence-Delft-in the morning of 23d August 1960.

Attendance.

Netherlands.

Col. W.F. den Hengst, Director Netherlands
Topographic Service.

Rear-Admiral Th. K. Baron van Asbeck
Hydrographer R.N.N.

Mr. C.A.J. von Frijtag Drabbe

Professor R. Roelofs

Ir. B. Scherpbier

Ir. L. van Zuylen, Secretary, Netherlands
Topographic Service.

Australia.

Mr. B.P. Lambert,
Director National Mapping,
Department of National
Development Australia.

Agreements reached.

It was agreed that the most practical approach to the problem of determining the boundary was to:-

- (a) astronomically determine and establish a mark at the 141 degree East Longitude in an appropriate location on the bank of the Fly River at approximately 6 degree 20 minute south latitude;
- (b) accept a great circle line passing through this mark and through the obelisk already established on the North Coast, in terms of the Exchange of Notes of 14th September 1936,² as defining the boundary between the North Coast and the waterway (Thalweg) of the Fly River;
- (c) subject to the Netherlands Authorities checking the Australian connecting survey between the existing Netherlands and Australian astronomical stations at the mouth of the Bensbach River and reaching reasonable agreement therewith, accept the following mean values for the latitudes and longitudes of the existing stations:

¹ Netherlands Ministry of Interior, Archives.

² See Doc. F.4.

Netherlands Station. lat. $09^{\circ} 07' 36''$, 76 South;

long $141^{\circ} 01' 04''$, 28 East.

Australian Station. lat. $09^{\circ} 07' 16''$, 20 South;

long $141^{\circ} 01' 21''$, 00 East;

Note: The distance between the Australian and the Netherlands station at the mouth of the Bensbach-River is about 700 metres so for the aerial triangulation it will be necessary to determine a new basis. Also there will be determined a distance and bearing at the North Coast.

- (d) arrange for the Netherlands authorities to measure bearing and distance from the Netherlands astronomical station to the centre of the mouth of the Bensbach River;
- (e) calculate the latitude and longitude of the centre of the mouth of the Bensbach River from the above bearing and distance and accept the longitude value so obtained as the southern point of the boundary independently of any future changes in the course of the River;
- (f) astronomically determine and establish a mark in an appropriate position on the bank of the Fly River at approximately latitude 6 degree 55 minute south and on the longitude accepted for the centre of the mouth of the Bensbach River or determine two points one on each side of the river of which two points the middle is situated on the above mentioned longitude;
- (g) accept a great circle line passing through this mark and the defined position of the centre of the mouth of the Bensbach-River as defining the boundary between the waterway (thalweg) of the Fly River and the South Coast of New Guinea;
- (h) arrange for a Netherlands and an Australian survey to jointly determine and mark the points on the banks of the Fly River following the procedure adopted in the previous fixing of the obelisk on the North Coast by the officers of Hr. Ms. surveying ship "Willebrord Snellius" and Staff Surveyor A.A. Chauncy of the Mandated Territory of New Guinea as set out in the Exchange of Notes of September 14th, 1936;
- (i) arrange for all marked points, namely the present obelisk on the North Coast, the two proposed marks on the Fly River and the present astronomical stations at the mouth of the Bensbach-River to be connected by accurate survey to an appropriate number of local and well established "recovery marks" of a permanent nature (in the case of the marks near the rivers preferably with some marks located on both sides of the river concerned).

It was also agreed:-

- (a) that for administrative purposes it was desirable to make a reasonably accurate but economical determination of the actual location of the straight position of the boundary;
- (b) that this could be best achieved by photogrammetric aerial triangulation which should be carried out independently by each authority and a mean determination subsequently agreed upon and marked on air photographs.
- (c) that the stereo-plotting of the photographs will be carried out partly by each authority.

Note. This marking of the Border on photographs should always be considered as an approximation and should in no way prejudice the fact that the boundary was specifically defined as a great circle line between certain points marked on the ground.

- (d) that the survey-plane will not be mutually accompanied by an employee of the different countries.

It was further agreed that every effort be made to complete:-

- (a) the determination of the position of the centre of the mouth of the Bensbach-River, this year.
- (b) preferably within one year and definitely within two years the survey and marking of the points on the Fly River.
- (c) subject to suitable weather permitting air photography in reasonable time, the photogrammetric survey operations within a period of 3 years.

Immediate exchange of materials.

It was agreed:

- (a) that Mr. Lambert forwards to Mr. van Zuylen details of all astronomical positions shown on the Australian map tabled at the conference.
- (b) that Mr. van Zuylen forwards to Mr. Lambert location sketches marked on photographs in respect of the astronomical positions shown on the Netherlands map tabled at the conference and one set of the "Decca" strip of photographs along the Border together with the latitude and longitude of a point on these photographs near the Border at Erambo, as determined approximately from the Decca survey.

Meetings of Technical Commission.

It was agreed to recommend that the Technical Commission meet preferably in November of this year ^{and} if this is not practicable in February of next year, for the purpose of arranging for the ground surveys and marking of Boundary terminals.

F10 Report and Recommendations of the Australian-Dutch
Technical Commission¹

[Port Moresby, 8 November 1961]

SURVEY AND MAPPING
of

THE INTERNATIONAL BORDER BETWEEN NETHERLANDS NEW GUINEA AND THE
TERRITORIES OF PAPUA AND NEW GUINEA

Meeting of Technical Commission held at Port Moresby on 7th and 8th November 1961.

Report and Recommendations

Attendance:

Netherlands

ir C. Roggeveen
Chief of the Survey
and Mapping Service
at Hollandia.

Australia

Mr. R.G. Matheson)
Chief of Division of)
Survey, Dept. of) Commission
Lands, Surveys & Mines,) Members
T.P. & N.G.)
Mr. H.A. Johnson)
Supervising Surveyor)
Mr. J.W. Witzand
Surveyor
Both of National Mapping
Dept. of National
Development

Membership of Commission:

The commission is set up in accordance with the terms of Aide Memoire, 5th January 1955 from the Australian Department of External Affairs, to the Royal Netherlands Embassy to Australia, the Royal Netherlands Embassy Note No.3521 of the 25th November 1955 and the Royal Netherlands Embassy Note of 27th August 1958 and other notes and/or documents exchanged between the Royal Netherlands Embassy and the Australian Department of External Affairs pertaining to this matter and not available at the Conference.

The Commission notes that in accordance with the terms of the above referenced documents its membership is to be:-

¹ Netherlands Ministry of Interior, Archives.

(a) Netherlands Members

- (1) A surveyor of the Netherlands Topographic Service.
- (2) The Chief of the Survey & Mapping Service at Hollandia.

(b) Australian Members

- (1) Chief Surveyor of Administration of Papua and New Guinea.
- (2) A representative of the Australian Commonwealth National Mapping Office.

Terms of Reference of Commission:

Australian Department of External Affairs Aide Memoire of 5th January 1955 notes "to direct the work of Border delineation".

Description of Border:

[This section has been omitted, as it merely cites the Convention of 1895 (relying on the text of the British Order in Council of 1896) and the Exchange of Notes of 1936.² The text of the latter is attached to the document as Appendix A.]

Responsibility for Survey and Mapping of Border:

The Commission noted that agreement has been reached for the Netherlands and Australian Governments to photograph from the air, survey and map the Border and a strip of adjoining territory on either side thereof respectively between the Northern Coast of New Guinea and South Latitude 5 degrees 20 minutes and between that Latitude and Southern Coast of New Guinea.

Delft Conference:

The Commission noted that a conference on the Survey and Mapping of the Border took place at Delft, Netherlands, on 23rd August 1960 between the Australian Director of National Mapping and the Netherlands Topographic Survey Committee for New Guinea.

A copy of the report on this conference is attached hereto as Appendix B.³

Delineation of the Border:

The Commission agrees substantially with the suggestions made at the above Conference for delineation of the Border and now recommends to their respective Governments that the following procedure be adopted for the actual delineation of the Border.

Recommendation I - Southern Section

Subject to the Netherlands Authorities checking the Australian connecting survey between the existing Netherlands and Australian astronomical stations at the mouth of Bensbach River and reaching reasonable agreement therewith, then from examination of the data established near the mouth of the Bensbach River by Dutch and Australian authorities and from inspection of the traverse lines joining these two astronomical points and clearly shown on K.L.M. Aero-carte photographs nos. 8371 and 8372, it is recommended that the geographical co-ordinates of the mouth of the Bensbach River be adopted as

² Documents D.6 and 8 and F.4.

³ See Doc. F.9.

Longitude 141° 01' 07" East
Latitude 9° 07' 42" South

and this point so obtained to be regarded as one point of a great circle which will be further determined in Recommendation II.

Recommendation II - Southern Section

A point is to be established near the southern side of the Fly River in approximate latitude 6° 54' 20" South near DOMONGI on longitude 141° 01' 07", to the satisfaction of both Dutch and Australian authorities[.]

In this respect an Australian astronomical value has already been established at

Longitude 140° 59' 05.5"
Latitude 6° 54' 19.5"

near DOMONGI, and subject to the Dutch authorities checking this astrofix, a traverse may be run to a mark on suitably high ground to Longitude 141° 01' 07".

The great circle running through both the point in the middle of the mouth of the Bensbach River as defined in Recommendation I, and the point near DOMONGI as referred to in this Recommendation II, shall constitute the Southern Section of the proposed boundary.

This section is considered to extend from the Fly River Waterway ("Thalweg") near DOMONGI to the boundary between the State of Queensland and the Territory of Papua.

Recommendation III - Middle or Fly River Section

From the intersection of the great circle mentioned in Recommendation II with the Waterway ("Thalweg") of the Fly River near DOMONGI, the Waterway ("Thalweg") of the Fly River forms the proposed boundary up to the point where a great circle as defined in Recommendation IV intersects the Fly River.

Since photographs indicate that the Fly River is subject to considerable changes in its course, and as such is considered an unstable boundary, it is recommended that the Border Commission gives special attention as to whether the Waterway ("Thalweg") shall be adopted at some specified date of photography as a firm boundary independent of any future change in the rivers [sic] course, or whether the waterway shall be adopted as it occurs from time to time.

It appears to be the intention of Article III of the British and Dutch Convention of 1895 that the Waterway ("Thalweg") of the Fly River wherever it is flowing will form the boundary.⁴

Recommendation IV - Northern Section

- (a) Dutch and Australian Surveyors to determine and establish by procédure as adopted as at other points already described, a mark at the 141 degrees East Longitude in an appropriate location near the bank of the Fly River at approximately 6 degrees 20 minutes South Latitude.
- (b) A great circle passing through this mark and through the obelisk already established on the north coast, in terms of the Exchange of Notes of 14th September, 1936, as defining the Northern Section of the proposed boundary between the territories of Papua and New Guinea and the Territory of Netherlands New Guinea.

⁴

One wonders whether a technical commission is the appropriate body to draw a conclusion of this kind.

This section extends from the intersection of the great circle with the Waterway ("Thalweg") of the Fly River, to the intersection of this great circle with the Equator.

Recommendation V - Permanent Marking

All marked points, namely the present obelisk on the north coast, the two proposed marks on the Fly River and the present astronomical stations at the mouth of the Bensbach River, to be connected by accurate independent Dutch and Australian surveys to an appropriate number of local and well established "recovery marks" of a permanent nature.

These recovery marks are prepared for emplacement at suitable distances and in appropriate places each side of the Border mark in respective Dutch and Australian territories.

It is further recommended that the responsibility for maintenance and inspection of the Border and recovery marks should be shared equally between Dutch and Australian authorities.

Inspections at not less than five yearly intervals are recommended to see that boundary and recovery marks remain in good preservation.

As soon after their establishment as can possibly be arranged each border mark and its recovery marks should be appropriately framed or overlaid with photographically contrasting material and photographed with a suitable small camera from an aeroplane at several heights, sufficient to locate their positions on the photographs of the mapping runs along the Border.

Copies of these photographs, as with copies of the mapping runs along the Border, should be distributed as soon as available to both Dutch and Australian authorities.

Recommendation VI - Photogrammetric Deliniation of Boundary

It is recommended that for administrative purposes it is desirable to make a reasonably accurate but economical determination of the actual position of the boundary, and that this can be best achieved by photogrammetric procedures, which may be carried out independently by each authority and wherever so a mean determination subsequently agreed upon, and the final accepted boundary marked on the detailed photogrammetric plot and approximately marked on air photographs.

It is also recommended that the stereo-plotting of the photographs will be carried out partly by each authority.

Special emphasis is made that this marking of the Border on the detailed photogrammetric plots and on air photographs should always be considered as an approximation.

It should in no way prejudice Recommendations regarding boundary definitions.

The survey planes photographing the Border area need not be mutually accompanied by an employee of the different countries.

Recommendation VII - Free Access to Boundary and Control Marks by both Dutch and Australian Survey Parties

It is recommended that free access be available at all times to Surveyors, either Dutch or Australian, and their Assistants to approach and enter areas where any of the existing or future boundary, recovery, astronomic or photogrammetric control marks relating to this boundary survey are situated and as may be necessary from time to time to carry out their work.

It is further recommended that every possible assistance shall be given by authorities [sic] on both sides of the border to survey parties of both countries working on the border survey to facilitate approach and access to the border, the obtaining of accommodation, labour and transport.

It is further recommended that any Surveyors in charge of such Survey Parties shall be provided with an authority in the terms of this recommendation.

Recommendation VIII - Photogrammetric Control (Horizontal and Vertical) Bases

It is recommended that at the area of the mouth of the Bensbach River as well as at the area around the obelisk on the north coast suitable bases be measured and identified on photographs.

These bases should be preferably situated in appropriate parts of the stereoscopic overlaps of the mapping runs.

The bases should be double traversed and azimuth controlled and heights of selected points should be obtained by normal level and staff methods, starting from mean sea level.

The most accurate meteorologically controlled height determinations should be made at both Border marks on the Fly River.

For adequate height control to give strength to the photogrammetric procedures, it is recommended that special consideration be given to using the Air-borne Profile Recorder to register a profile on each side of the Border, as far apart as possible but within the limits of the Boundary mapping runs.

Recommendation IX - Universal Transverse Mercator Projection

Since the Universal Transverse Mercator projection is already used in Netherlands New Guinea and the Territory of Papua and New Guinea, it is recommended that this same projection be used for all work on the Border survey.

It is recommended that the final sheets be produced at a scale of 1 to 100,000 and extended five minutes of longitude each side of the Border.

Early consideration of this scale is suggested and that both parties should inform each other on this matter as soon as possible.

Recommendation X

A point was raised at this meeting whether this conference was a commission provided for in the Exchange of Notes.

It is now recommended that the members of this conference and listed on Page 1 of these minutes be accepted as forming the required commission.

ir C. Roggeveen,
Chief of the Survey
and Mapping Service
at Hollandia

(sgd)

Mr. R.G. Matheson,
Chief of the Division of
Surveys, Dept. of Lands,
Surveys and Mines, T.P. & N.G.

(sgd)

Mr. H.A. Johnson,
Supervising Surveyor,
Division of National Mapping,
Dept. of National Development.

(sgd)

Additional Recommendation XI

It would greatly expedite this Border survey, if there were free interchange of data and correspondence in connection with data between the Mapping Authorities at Hollandia, Port Moresby and Canberra.

[Signed by the three members]

F11 Questions in the Netherlands Parliament about the Waris and Jaffi Enclaves, 1962¹

2063. QUESTIONS of Mr Van de Wetering (Christian Historical Union) concerning the transfer of villages in the borderzone between Netherlands- and Australian New Guinea to Australian administration. (Submitted 19 June 1962).

1. Is the Minister in a position to provide further information concerning reports that two villages and [sic] the border area between Netherlands- and Australian New Guinea, called Waris and Jaffi, have been or are being transferred to Australian administration?

2. How can one explain that according to these same reports the Administrator of Australian New Guinea has said he knows nothing about this transfer while the Director of Native Affairs in Australian New Guinea has announced that an Australian patrol has been sent to the southern part of the border with Netherlands New Guinea "to consolidate authority over a few thousand Papuans on the Australian side of the border while for years these have been administered by the Dutch for convenience sake"?

3. If this transfer, which in light of the indicated number of indigenes certainly involves more than two villages (settlements), is based on intervention by a Commission between the Netherlands and Australia could the Minister provide further information about activities and agreements which have been made concerning the further border determination between the two territories?

4. How does the Minister intend to determine possible border corrections in consultation between the two sovereign States whereby the wishes of the population of the territories involved has been taken into consideration?

ANSWER of Mr Bot, Secretary of State of Interior. (Submitted 18 July 1962).

1. It has been suspected during a considerable period of time that parts of the Waris and Jaffi districten of the Hollandia afdeling were probably situated within Australian territory. Until recently, however, the necessary information about the precise course of the boundary in the field was unavailable. Within the framework of the border delimitation which has been in progress for years, the situation in this area has now been more precisely determined by means of a recent astronomical observation. This has led to the conclusion that 21 villages in the Waris district (2,578 inhabitants) and 9 villages in the Jaffi district (788 inhabitants) are situated toward the east of the international border.² In the meantime, a part of the inhabitants of this area had already been brought into contact with the Netherlands administration before the second World War. But at that time governmental interference

¹ Netherlands, Handelingen Staten-Generaal, Tweede Kamer (1961-2), II, Aanhangsel, p.2107.

² For a comment on these figures see S.N.G.B., p.162 (n.47).

2063. VRAGEN van de heer Van de Wetering (C.H.U.) inzake de overdracht van dorpen in het grensgebied tussen Nederlands- en Australisch-Nieuw-Guinea aan Australisch bestuur. (Ingezonden 19 juni 1962.)

1. Kan de Minister nadere mededelingen doen over berichten als zouden twee dorpen en het grensgebied tussen Nederlands- en Australisch-Nieuw-Guinea, genaamd Waris en Jafi, van Nederlands naar Australisch bestuur zijn of worden overgedragen?

2. Hoe is het te verklaren, dat blijkens diezelfde berichten de Gouverneur van Australisch-Nieuw-Guinea gezegd heeft van deze overdracht niets te weten, terwijl het hoofd der Afdeling voor Inheemse Zaken in Australisch-Nieuw-Guinea heeft bekend gemaakt, dat een Australische patrouille naar het zuidelijk gedeelte van de grens met Nederlands-Nieuw-Guinea werd gestuurd om "het gezag over enkele duizenden Papoea's aan de Australische kant van de grens te bevestigen, terwijl deze voor het gemak jarenlang door Nederlanders zijn bestuurd"?

3. Indien deze overdracht, die gezien het genoemd aantal autochtonen zeker meer dan twee dorpen (nederzettingen) omvat, steunt op commissoriale interventie tussen Nederland en Australië, kan de Minister dan nadere mededelingen doen over ingestelde activiteiten en afspraken inzake nadere grensbepaling tussen beide gebieden?

4. Op welke wijze denkt de Minister eventuele grenscorrecties in overleg tussen de beide soevereine Staten vast te leggen, waarbij rekening is gehouden met de wensen der bevolking der te corrigeren gebieden?

ANTWOORD van de heer Bot, Staatssecretaris van Binnenlandse Zaken. (Ingezonden 18 juli 1962.)

1. Reeds geruime tijd bestond het vermoeden, dat gedeelten van de districten Waris en Jafi van de afdeling Hollandia waarschijnlijk binnen het Australische territoir zouden liggen. Over het juiste verloop van de grens in het terrein ontbraken echter tot voor kort de nodige gegevens. In het kader van de sinds jaren in gang zijnde grensafbakening, is de situatie in dit gebied thans door middel van een recente astronomische grensopname nader gepreciseerd. Daarbij is komen vast te staan, dat 21 dorpen in het Warisdistrict (2578 zielen) en 9 dorpen in het Jafidistrict (788 zielen) gelegen zijn oostelijk van de internationale grens. Intussen had reeds vóór de tweede wereldoorlog een deel van de inwoners van dit gebied in het grensgebied contact met het Nederlandse bestuur. De bestuursbemoeienis was toen oppervlakkig

was superficial and limited mainly to the subsidizing of a number of village schools administered by the Roman Catholic mission.

Awaiting the results of the above-mentioned astronomical border determination the status quo was maintained for reasons of practical administrative policy. In consultation with the Australian authorities an attempt is now being made toward the regularization of the administration in these regions whereby we understandably start from the principle of having one's own administration within one's own territory. It stands to reason that hereby the wishes of the local population will be taken into consideration as much as possible. It seems certain that with regard to the Waris area there will be no migration of people. In the Jaffi area one reckons with the possibility of the migration of some 300 people.

2. The undersigned is of the opinion that he must refrain from answering this question as he cannot engage in a judgment about existing or non-existing dissimilarity in information which may have been made on the Australian side.

3. and 4. There is in the present case no question of a "further border determination" nor of "possible border corrections" nor of "to be corrected territories". The boundary between the Netherlands and Australian part of New Guinea is fixed and is determined as far as the southern part is concerned by the Convention of 16 May 1895 and for the northern part by exchange of notes of 14 September 1936, and by Royal decree of 13 September 1937 (Netherlands Staatsblad nr. 30).

However, as the precise position of the boundary determined on paper could not be ascertained with certainty in the field and this has led, both before and after the last world war, to differences of opinion about the question whether a certain village was situated either on Australian or on Netherlands territory, it was decided in 1958 in consultation with the Australian Government to prepare a complete survey of the border consisting of a mapping of the border zone on the basis of aerial photography.

These activities are still in progress; but, as set forth under 1, the astronomical border determination concerning the Waris district and the Jaffi district has already taken place.³

³ Astronomical observations at the Waris administrative post (in December 1961) placed it at 140° 59' 56" East Longitude.

en beperkte zich in hoofdzaak tot de subsidiëring van een aantal dorpsscholen in beheer bij de R.-K. missie.

In afwachting van de resultaten van de bovenvermelde astronomische grensvastlegging werd de status quo om redenen van praktisch bestuursbeleid gehandhaafd. Thans wordt in overleg met de Australische autoriteiten gestreefd naar een regularisering van het bestuur in deze streken, waarbij uiteraard wordt uitgegaan van het beginsel van eigen bestuur binnen eigen territoir. Het spreekt vanzelf, dat hierbij voor zoveel mogelijk rekening zal worden gehouden met de wensen van de plaatselijke bevolking. Met betrekking tot het Warisgebied schijnt vast te staan, dat hier geen verhuizingen zullen plaatsvinden. In het Jafagebied wordt rekening gehouden met de mogelijke verhuizing van een 300-tal zielen.

2. De ondergetekende meent zich van een antwoord op deze vraag te moeten onthouden, aangezien het niet op zijn weg ligt in een beoordeling te treden over een al dan niet bestaande incongruentie in mededelingen, die van Australische zijde zouden zijn gedaan.

3 en 4. Er is onderwerpelijk geen sprake van een "nadere grensbepaling" noch van "eventuele grenscorrecties" of van "te corrigeren gebieden". De grens tussen het Nederlandse en het Australische deel van Nieuw-Guinea staat vast en werd vastgelegd voor wat het zuidelijk gedeelte betreft bij traktaat van 16 mei 1895 en voor het noordelijk gedeelte bij notawisseling van 14 september 1936, overgelegd bij Koninklijk besluit van 13 september 1937 (Nederlands Staatsblad nr.30).

Aangezien echter van de op papier vastgestelde grens de juiste ligging in het terrein niet met zekerheid kon worden bepaald en dit zowel vóór als na de laatste wereldoorlog meerdere malen aanleiding heeft gegeven tot meningsverschillen over de vraag, of een bepaald dorp op Australisch dan wel op Nederlands gebied lag, werd in 1958 in overleg met de Australische Regering besloten tot een volledige opname van de grens, bestaande uit een kaartering van de grensstrook aan de hand van de te vervaardigen luchtfoto's.

Deze werkzaamheden worden nog voortgezet; als sub 1 uiteengezet, heeft de astronomische grensopname wat betreft het Warisdistrict en het Jafidistrict echter reeds plaatsgevonden.

F12 Roggeveen-Dent Declaration (Angamarut)¹

INTERNATIONAL BORDER SURVEY JOINT DUTCH AND AUSTRALIAN EXPEDITION 1962.

[Daru, 23 August 1962]

DECLARATION

According to independent astronomical observations and traverses by Australian and Dutch Surveyors points have been determined on the 141st Meridian of East Longitude [sic] as follows:-

1. On 13th August 1962 at parallel 6 degrees 19 minutes 31.7 seconds South Latitude on the South bank of the Fly River about one half mile downstream from the Village of Angamarut, a concrete monument was erected. This monument is a concrete obelisk having as a base a cube of one metre below ground level and shaped in the form of a truncated pyramid four feet high above ground level, in which a metal rod has been centred.
2. On 14th August 1962 at parallel 6 degrees 19 minutes 13.8 seconds South Latitude on the North bank of the Fly River being 551.26 metres North of the aforesaid obelisk a 44 gallon drum was buried and filled with concrete and a metal rod was centred therein.

The signatories hereunder solemnly and sincerely declare that the aforesaid monuments have been placed correctly in accordance with their separate and independent observations on the 141st Meridian of East Longitude.

(Sgd.) Ir. C. Roggeveen,
Chief Kadaster & Kaartering,
HOLLANDIA.

(Sgd.) O.G.G. Dent,
A/Senior Surveyor,
Department of Lands, Surveys
& Mines,
PORT MORESBY.

Declared at Daru
the twenty-third day of
August, 1962.

[sgd.] J.P.
F.A. Bensted

¹ Netherlands Ministry of Interior, Archives.

F13 Roggeveen-Dent Declaration (Domongi)¹

INTERNATIONAL BORDER SURVEY JOINT AUSTRALIAN AND DUTCH EXPEDITION 1962.

[Daru, 23 August 1962]

DECLARATION

According to independent astronomical observations, triangulations and traverses by Australian and Dutch Surveyors points have been determined on the Meridian of 141 degrees 01 minutes 07 seconds Eastern Longitude as follows:-

1. On the 17th August 1962 at parallel 6 degrees 53 minutes 27.5 seconds, South Latitude on the North bank of the Fly River about three miles downstream from the village of Domongi, a concrete monument was erected. This monument is a concrete obelisk having as a base four jointed 44 gallon drums filled with concrete below ground level and shaped in the form of a truncated pyramid four feet high above ground level, in which a metal rod has been centred.

2. On 18th August 1962 at parallel 6 degrees 53 minutes 38.5 seconds South Latitude on the South bank of the Fly River being 337.31 metres South of the aforesaid obelisk a 44 gallon drum was buried and filled with concrete and a metal rod was centred therein.

The signatories hereunder solemnly and sincerely declare that the aforesaid monuments have been placed correctly in accordance with their separate and independent observations on the Meridian of 141 degrees 01 minutes 07 seconds of East Longitude.

(Sgd.) Ir. C. Roggeveen,
Chief Kadaster & Kaartering,
HOLLANDIA.

(Sgd.) O.G.G. Dent,
A/Senior Surveyor,
Department of Lands, Surveys
& Mines,
PORT MORESBY.

Declared at Daru
the twenty-third day of
August, 1962.

[sgd.] J.P.
F.A. Bensted.

¹ Netherlands Ministry of Interior, Archives. For an aerial photo of the monument see S.N.G.B., Plate 7.

F14 Roggeveen Declaration (Bensbach River)¹

International Border Survey.

[Hollandia, 13 September 1962]

DECLARATION

On 30 November, 1 and 2 December 1956 an astrofix was observed by Mr. F.L.T. van der Weiden on the Western bank of the mouth of the Bensbach River. On this point a concrete pillar was established. At the Office of Kadaster & Kaartering at Hollandia the position of this pillar was calculated as 141 degrees 1 minute 3,68 seconds East Longitude and 9 degrees 7 minutes 36,52 seconds South Latitude.

According to official communication an Australian astrofix was determined by Mr. Whish Wilson about half a mile upstream from the Dutch astrofix along the same bank in the position of 141 degrees 1 minute 21,78 seconds East Longitude and 9 degrees 7 minutes 16,43 seconds South Latitude. This point was marked by a pillar with inscription "Survey Nov 58 T.P.N.G. J.E. M.W.H.H."

Both astrofixes were mutually compared by Australian connecting survey in 1958.

After having checked this connecting survey as mentioned in Recommendation I of the meeting of the Technical Commission at Port Moresby in November 1961 and having reached reasonable agreement therewith, the signatory hereunder solemnly and sincerely declares that the geographical position of the mouth of the Bensbach River as pictured on K.L.M. photo number 8371 and adopted in this Recommendation as:

Longitude 141 degrees 1 minute 7 seconds East

Latitude 9 degrees 7 minutes 42 seconds South

is correctly in accordance with the separate and independant [sic] observations of the afore-said astrofixes.²

Hollandia, 13 September 1962,

(sgd) ir C. Roggeveen.

Chief Kadaster & Kaartering.

¹ Netherlands Ministry of Interior, Archives.

² This geographical position differs by some 40 seconds from the one in Article I of the Convention of 1895 (see Doc. D.6).

G Material Concerning the Australian-Indonesian Border

G1 West Irian/Papua and New Guinea border¹

On 4th August, the Department of External Affairs released the following statement issued by the Indonesian Foreign Ministry and the Australian Embassy, Djakarta, at the conclusion of talks on the demarcation of the border between West Irian and the Territory of Papua and New Guinea--

"As a follow-up to recent talks between the Indonesian and Australian Foreign Ministers, discussions took place in Djakarta from 31st July to 4th August between Indonesian and Australian survey experts:

The Indonesian delegation was led by Brigadier-General Soerjosoemarno, Director of Army Topography, and the Australian Delegation by Mr B.P. Lambert, Director of the Division of National Mapping, Department of National Development. The purpose of the discussions was to exchange information and views on the surveying and permanent demarcation of the border between West Irian and the Territory of Papua and New Guinea.

The experts agreed on a series of recommendations to be submitted for the approval of the Indonesian and Australian governments. These recommendations covered both the overall programme which should be adopted and early measures to implement this programme. Specifically, they agreed that a joint Indonesian/Australian reconnaissance team should visit the border as soon as practicable to prepare the way for subsequent concurrent astronomical surveys by both countries. Correlation of the results of these surveys would clear the way for the permanent marking of the border."

¹ Current Notes on International Affairs, Vol.XXXV (Aug. 1964), p.28.

G2 Parliamentary Question and Reply concerning the Irian boundary¹

[22 September 1965]

WEST IRIAN.

Mr. DRURY.-- Will the Minister for External Affairs inform the House of the present position regarding the establishment of an official border between West Irian and Papua and New Guinea?

Mr. HASLUCK.-- The border between the Territory of New Guinea and Papua, under Australian administration, and the territory now under Indonesian administration is quite clear. There are international instruments which describe the border in exact terms and these international instruments are accepted by all governments concerned.² On the Australian side, mapping of the border area has been completed, and the border is defined on maps. One action that needs to be completed is the marking of the border on the ground by modern survey methods and the checking of existing markers that have been there for some time. We have been in discussion with the Indonesian Government and the Indonesians have agreed to take part with Australian survey teams in the marking of the border on the ground and the checking of the existing markers. We expect that the first action along these lines will take place round about November or December of this year and that the actual survey on the ground will commence early in 1966.

¹ Australia, Commonwealth Parliamentary Debates, House of Representatives, No.14 (22 Sept. 1965), p.1118.

² For a comment on this statement see S.N.G.B., p.133.

G3 Parliamentary Questions and Replies concerning the free navigation on the Fly River¹

[28 September 1965]

WEST IRIAN.

Dr. MACKAY.-- I direct a question to the Minister for External Affairs. Is it a fact that a longstanding agreement, possibly going back to before the First World War, exists whereby the Dutch were ensured access to the navigation of the Fly River, which extends a considerable distance into Papua? Does this condition now apply to Indonesia? Have the Indonesians ever availed themselves of it? As the border between the two territories concerned is currently being clarified, and as Indonesia shows every sign of repudiating more recent agreements relating to West New Guinea, will the Minister take steps to see that this outdated provision is no longer accorded to Indonesia?

Mr. HASLUCK.-- For the greater part of its course the Fly River is wholly within Australian territory, but at one point the Fly River becomes the boundary between West New Guinea and Papua. A curve of the river becomes the boundary. I think it was in 1895 that an agreement was made between the Netherlands and the British Government--it was before the Australian administration--that there should be access to navigation of the waters of the Fly River subject to the condition that no arms should be carried. That agreement was never operative; it was never invoked.² There was never any occasion to invoke it. At present the exact effect of the agreement is under study by our own legal officers, first of all to see whether the agreement is still extant and secondly to see to what extent it applies to present day conditions. For the moment I am unable to say how effective the agreement is, but I would say that up to date the behaviour of the Indonesian Government in respect of the border between West New Guinea and Australian-administered New Guinea has been quite correct. We have had no occasion to find fault in any way with the conduct of the Indonesian Government.

[29 September 1965]

WEST IRIAN.

Dr. MACKAY.-- My question, which is to the Minister for External Affairs, relates to a statement made by the "Australian" of today's date purporting to answer a question I put to the Minister yesterday as to whether Indonesia had the right of free navigation of the Fly River.³ Is this statement based on facts supplied by the Minister, or is it a gratuitous

¹ Australia, Commonwealth Parliamentary Debates, House of Representatives, No.15 (28 and 29 Sept. 1965), pp.1298 and 1373-4.

² The Minister was mistaken. See S.N.G.B., p.70.

³ The article 'NG River Row Likely', appeared in the Australian of 29 September 1965.

interpretation by that journal? Is there any substance in the further observation by this newspaper that this matter brings into question the definition of the border between West Irian and Papua-New Guinea? Is this likely to bring a sharp reaction from Indonesia?

Mr. HASLUCK.-- Mr. Speaker, I welcome the question asked by the honorable gentleman because it gives me the opportunity to remove the possibility of an international misunderstanding on this matter. I must say I was amazed to read in the "Australian" this morning an account of the answer that I gave to the question yesterday because that account was certainly not a report of anything that I said. It was from first to last an interpretation of what I said. The interpretation was not justified by any words that I used.⁴ The interpretation gave a wholly false impression of what the views of the Government are. Worse still, this interpretation is such as is likely to lead to international misunderstanding. I think it is to be very much regretted.

The answer that I gave yesterday referred to an agreement relating to navigation on the Fly River. That agreement was in these terms--

Navigation on the Fly River is free for the subjects of both contracting powers excepting as regards the carriage of warlike stores, and no duty shall be imposed on other goods conveyed by that river.

That agreement dates back to 1895. In my answer, I said that, in effect, the agreement had never been tested and that the exact meaning of it was being studied by our own legal advisers so that a correct interpretation of the effect of the agreement would be arrived at. Certainly, nothing that I said conveyed or even implied that there was any dissatisfaction on our part regarding the definition of the Papua-New Guinea border or any lack of expectation on our part that, in respect of the border, the Government of Indonesia would do other than respect that definition. This item in the "Australian" put up the heading "New Guinea River Row Likely". It also suggested that the definition of the border between West Irian and Papua-New Guinea was brought into question. By making those statements, the report gave a wholly false impression. I wish to remove any misunderstanding that it may have created either in the minds of honorable members or in the mind of the Indonesian Government.

⁴ For an analysis of the Minister's statement see S.N.G.B., pp.133-4.